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SKETCHES

LAWYERS,

ENGLISH AND CANADIAN.

AS WITH IT IS ADDED

RIGHTS, FACTS AND FACETIAE.

THE ENGLISH

AND

OF THE KANSAS TEST CASE

OF ENGRAVINGS OF 14 "REVISED"

AMERICAN, ENGLISH

CANADIAN LAWYERS,

EDITIONS.

KANSAS TEST CASE  
LAWYERS' INTERNATIONAL PUBLISHING CO.

1907



Series A—one half the tiles, arranged in the original order, as shown in the photograph.

LIFE SKETCHES  
OF  
EMINENT LAWYERS,

AMERICAN, ENGLISH AND CANADIAN,

TO WHICH IS ADDED

THOUGHTS, FACTS AND FACETIÆ.

---

IN TWO VOLUMES.

---

BY

GILBERT J. CLARK, ESQ.,

OF THE KANSAS CITY BAR; AUTHOR OF ENGRAVINGS OF 144 "EMINENT  
AMERICAN, ENGLISH AND CANADIAN LAWYERS,"

IN TWO EDITIONS.

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KANSAS CITY, MO.:  
LAWYERS' INTERNATIONAL PUBLISHING CO.  
1899.

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1895.

TO  
THE ENGLISH-SPEAKING BAR,  
WHOSE MEMBERS ARE GUIDED AND INSPIRED  
BY THE  
BEACON LIGHTS OF JURISPRUDENCE,  
THIS BOOK IS RESPECTFULLY  
INSCRIBED BY  
THE AUTHOR.

LAWYERS' INTERNATIONAL PUB. CO.,  
KANSAS CITY, MO.

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## PREFACE.

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Nearly three years ago the author began a somewhat systematic study of legal biography for the purpose of intelligently gathering copy for an engraving of famous lawyers and judges. A year later two editions of photogravure groups of one hundred and forty-four "Eminent American, English and Canadian Lawyers" was published—"a portrait," in the language of Thomas Carlyle, "being often superior in real instruction to half a dozen written *biographies*, as biographies are written; and as a small lighted *candle* by which the biographies can be *read*, and some human interpretation be made of them." Short "Life-Sketches" of the very briefest nature of each person appearing in the galaxy of portraits were prepared by the kindly aid of some fifty lawyers and judges throughout the territory comprised to further supplement and explain the art work. These being re-edited and somewhat amplified are herein given. The author's studies, however, were continued and "notes" made, with no intention of publication, until it was believed many interesting reminiscences of nearly every personality had been gathered, and as Dr. Channing has well said, "an anecdote is worth whole pages of biography," it was deemed advisable to supplement the "Life-Sketches" with these "notes." They follow the Sketches, being more closely printed, and constitute the "Thoughts, Facts and Facetiæ" of the work.

The labor of preparation has been great, but withal fascinating and instructive. Many Sketches will be found to be unannotated, others but sparsely so. This is due to the plan adopted, the information obtainable, and the subject treated. Many readers will doubtless criticise the frequent quotations, but "to quote conspicuously and well," says Bovee, an able author and lawyer, "requires taste, judgment (which two qualities the author hopes have been exercised) and erudition, a feeling for the beautiful, an appreciation of the noble, and a sense of the profound." Shortcomings and errors will be discovered, but if any one is amused and instructed, and at the same time lead to study more extendedly the lives of the foremost men at the bar, this work will have sufficient excuse for its existence.

The author wishes to acknowledge his obligations, in the preparation of the work, to all who have kindly aided him, and especially to Frederick R. Coudert, Esq., of the New York Bar, John H. Chesnut, Esq., of the Philadelphia Bar, Frederick W. Griffin, Esq., of the Kansas City Bar, Donald Macmaster, Q. C., of the Montreal Bar, Carrie W. Whitney, Librarian of the Kansas City Public Library, and Horace W. Fuller, Editor of the *Green Bag*, Boston.

GILBERT J. CLARK.

Kansas City, Mo., January, 1895.

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"It would be well to read some biography—more especially the lives of the great men of our country—Washington, Franklin, etc. It will raise your ambition, and show you what can be done through industry and exertion, by those whose advantages have not been as good as your own."—*Advice of S. S. Prentiss to his brother.*

"It is well to read carefully and frequently the biographies of eminent lawyers. It is good to rise from the perusal of the studies and labors, the trials and conflicts, the difficulties and triumphs, of such men, in the actual battle of life, with a secret feeling of dissatisfaction with ourselves. Such a sadness in the bosom of a young student is like the tears of Thucydides, when he heard Herodotus read his history of the Olympic Games, and received the plaudits of assembled Greece. It is the natural prelude to severer self-denial, to more assiduous study, to more self-sustaining confidence."—*George Sharswood: "Professional Ethics."*

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"Give the *essence* of the man's history, *condensed* to the very utmost, the dates, his birth, death, main transactions, —in short, the *bones* of his history; then add reference to books and sources, where his history and character can be learned farther by such as wish to study it."

—*Thomas Carlyle.*

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LIFE-SKETCHES,  
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**SIDNEY BARTLETT, MASSACHUSETTS.**

(1799-1889.)

Early became one of the leaders of the Suffolk bar, and so continued until ninety years of age. Born February 13, 1799, at Plymouth, Massachusetts, died at Boston, March 6, 1889, aged ninety. He graduated at Harvard at nineteen, studied law with Lemuel Shaw, was admitted in 1821, and at once entered into a partnership with his preceptor, which continued until Mr. Shaw's elevation to the bench in 1830. He was a member of the Legislature of Massachusetts in 1851, and of the Constitutional Convention of 1853. He was made a LL.D. by Harvard in 1858. He acted as advisory counsel for many years for large corporations, including the Union Pacific, and the Chicago, Burlington and Quincy, and other railroad companies, and within two months of his death argued his last case in court for one of these corporations. He was considered by the United States Supreme Court for many years as one of the ablest, if not the ablest, lawyer who appeared before them. He pos-



sessed untiring industry, his preparation of a case being exhaustive—he frequently destroying three or four briefs in one case before satisfying himself. His mental operations were rapid; his logic inexorable; his perception, clear; his analysis, searching; his style, convincing; his sagacity, unerring. He was well versed in the literature of the profession; nor was his reading confined to the law, but embraced history, biography, science, and the current novels of the day.

“His processes of reasoning bore about the same relation to those of ordinary lawyers that logarithms bear to common arithmetical processes,” says George F. Hoar. “Until the day of his death,” adds Benj. F. Butler, “he was one of the foremost lawyers of Massachusetts, if not the foremost one.” Chief Justice Shaw once said to him: “State your line of reasoning a little more fully. Your mental operations are so very rapid that others do not sometimes see the connections between your premises and conclusions so readily as you do.”

## WILLIAM AUGUSTUS BEACH, NEW YORK.

(1810-1884.)

Born near Saratoga, New York, December 7, 1810, he moved to Troy in 1855; to New York city in 1870. Died in Tarrytown, June 28, 1884, aged seventy-three. He was well reared and educated, but not a scholarly man; cared little for politics or literature; a dictionary and law books were his library. He was a lawyer, pure, simple, and unadorned, save as a noble profession adorns an able and resolute follower. He was great before a jury; greater in an appellate court; but greatest when all the duties of a trial lawyer were suddenly imposed upon him—in the argument of interlocutory motions for or against non-suits, and on mixed questions of law and fact. In such emergencies he was without a peer. The severer the test, the grander the response. He was of ordinary height, strong physique and imposing appearance. His voice was wonderfully winning and under perfect control. In his most vehement and passionate appeals he preserved his dignity and solemnity. Of an austere and

melancholy caste, much of a recluse, and always dressed in black, he was the Hamlet of the American bar. His legal learning was very great; his vocabulary surprisingly rich; his courage superb. He was not a great examiner, being too domineering and methodical. A poor student of human nature, he treated all witnesses alike, and was slow to trim sale for shifting winds. Ofttimes he lost cases, and never was at his best in desperate ones; but his courage, manners and powers were lion-like and overwhelming, beyond all comparison, in the prosecution of a great and just cause. The more purely intellectual the forum, the greater his strength. Before the New York Court of Appeals, in the North court-martial proceedings, in defending Judge Barnard, before an impeaching Senate, he won greater laurels than in his more conspicuous work in Cole's defense, the Parrish will contest, the Stokes case, or the Beecher trial. His fame grew until it was national, but lawyer-like, it was ephemeral.

#### Evidence of Marriage.

"Evidence of marriage! What is evidence of marriage? Why, living together, may it please your

honor. Cohabiting together, may it please your honor. Introducing each other as husband and wife, and raising up children together, may it please your honor! For all these relations they were married! Aye! for that going down into the very valley and shadow of death, which a woman assumes in such relations, they were married! They were married when he enjoyed the bloom of her youth and her heart's loving tenderness—married, when it flattered his vanity to enjoy her beauty. But when we come to that other time, when of all times marriage is most sacred, when they should be leading each other down the western slope of life's steep hillside to rest together at the foot in long repose, then it is that this demon of humanity seeks to cast her off! and jeopardize her womanhood! Bastardize her children!"—In Brinkley Case: Tact in Court, 69.

#### His Two Years' Study of Three Books.

He earned his law library and a splendid vocabulary from hiring out to his father, a well-to-do tradesman, to do for a year or two as his father wanted him to do. The parent accordingly furnished him a Bible, a copy of Shakespeare and Bunyan's Pilgrim's Progress, which were to be read three times thoroughly and notes made on them. He sent him to live with some farmer uncle some twenty miles away. The young man became charmed by them and mastered each of those books.

## Description of—As an Advocate.

"We have for many years believed that as a mere declaimer, Mr. Beach stands not only at the head of the American bar, but at the head of all American orators. His oratorical style is well-nigh perfection. A presence of rare manly beauty and dignity, a voice of great power and sweetness, a vocabulary singularly affluent and sonorous, an unquenchable enthusiasm, and a masculine nobility and vigor of thought, make him a great master of oratory. In regard to his elocution, Mr. Beach has but a single defect—his gestures are constrained, awkward and violent. As a forensic rhetorician, we think he is too level, and that his level is too high. He would gain in effect by having more conversational and familiar passages. The thunder is grand, but we don't want always to hear it. He commands rather than persuades; and men sometimes set their faces against such advocacy. As an advocate, Mr. Beach suffers from a lack of two gifts, humor and power of illustration—very important defects in an advocate. In his conduct of a case he is remarkably self-possessed, fertile and courageous, but lacks tact and knowledge of human nature. We think, too, from a pretty intimate knowledge of him, that his culture is by no means so broad as that of Evarts or Porter. He is not a man of many books, except law books. Still he is not by any means a genius; he is simply a man of the highest order of legal talents."—From the Albany Law Journal, during the Beecher-Tilton trial, 1875.

## CORYDON BECKWITH, ILLINOIS.

(1823-1890.)

Nearly thirty years general counsel of the Chicago and Alton Railway company. He was born in Sutton, Vermont, in 1823, and died in Chicago, August 16, 1890, aged sixty-seven. The son of a prominent lawyer, he was admitted at twenty-one, after five years' study, and associated himself with Judge Smalley in St. Albans, Vermont, but moved to Frederick, Maryland, in the forties. Desiring a broader field, he settled in Chicago in 1853, and almost from the start was a towering figure. In looking over the early volumes of Illinois reports, it will be seen that he monopolized a large share of the important legal causes of the day, his name appearing, perhaps, more frequently than that of any other lawyer of his time. He succeeded Judge Caton as Supreme Judge of Illinois in 1864. His opinions, which are models of conciseness, are contained in three volumes of the reports. He resigned to become general counsel of the Chicago and Alton Railway company.

He was in some of the greatest railway litigations of the day. Some of his important cases were: The celebrated Burch divorce case, in which he won for Mrs. Burch, in the face of great disadvantages; the suits of the Western Union Telegraph company, and the A., T. & S. F. R. R. Co. vs. the Denver and Rio Grande Railway company for possession of rights of way; the Couch and the Ogden estate cases; Board of Trade vs. Sturges; the People's Gas Light and Coke company case; the West Division Railway company; Sweigert, auditor, vs. the Republic Life Insurance company. He was general counsel for numerous corporations during all his legal career.

He was great in nearly all specialties of the law, but his forte was corporation law, and as a branch of that, railroad law. He was identified with some of the greatest railroad litigations of the day. He had the faculty to grasp the salient features of a case in a different light from that in which they ordinarily appeared, and in applying the old machinery of the law to meet new emergencies. As a legal genius, his was, perhaps, one of the most phenomenal this country has produced.

## JUDAH PHILIP BENJAMIN, LOUISIANA.

(1811-1884.)

The eminent lawyer of two continents. "The brains of the Confederacy," of which he was Attorney General and Secretary of War and State. Born at St. Croix, West Indies, August 11, 1811; died at Paris, May 8, 1884, aged seventy-two. Entered Yale at fourteen, but left at seventeen without graduation. Went to New Orleans, read law and was admitted at twenty-one. Taught school and compiled a Digest of Reported Decisions of Louisiana. Soon rose to the head of the profession. Became, 1840, a member of the firm of Slidell, Benjamin & Conrad, which had for years an annual income of \$60,000. Received a \$50,000 Government fee, 1847, to investigate Spanish land titles in California. Declined a Supreme Court Justiceship from President Pierce. Elected a United States Senator, 1852; re-elected, 1857; resigned, 1861, in a remarkable speech justifying secession, for which he was pronounced "a Hebrew with Egyptian principles," by Senator Wade of Ohio, and of which was said: "better than



our Benjamin (Disraeli) could have done," by Sir George C. Lewis, of England. After the fall of the Confederacy, at the age of fifty-five, with but \$10 in his pocket, he fled to England, was admitted, made Queen's Counsel, wrote press editorials, compiled that scientific classic, "The Contract of Sale," and rose to the head of the English bar, receiving annually during the last years of his practice, as high as \$200,000. Some of his great cases were: the "Creole Case"; Debenham v. Mellon; United States v. Rae; the Franconia case; Anson et al. v. the London & N. W. Ry.; and the Tichborne Appeal.

He was very able before a jury, and in cross-examination and strategy. His forte lay in argument before trained judges, where his great knowledge of systems of law other than English gave him great advantage. He spoke French fluently. Was unprepossessing, short, stout, and stumpy; of twanging voice; awkward in gait and bearing; but amiable, sympathetic, modest and retiring.

#### Great Cross-Examiner.

"At the New Orleans bar, as far back as the Mexican war, Benjamin seemed to possess and excelled in

most of the traits in the art of cross-examination. He especially possessed celerity of thought and ready aptitude in dealing with the demeanor and expressions of a hostile witness. Like Single Speech Hamilton, in the traditions of the House of Commons, he knew when to quit talking; and, like a good stage manager, he always arranged a good exit from the witness chair for his actor, who may have there endured forgetfulness of his cues."—"Cross-Examination as an Art," by A. Oakley Hall, September, 1893, Green Bag, p. 425.

Anglo-Saxon Ancestors Compared to Those of the  
Jews—Tilt in United States Senate.

There is a fugitive anecdote concerning Mr. Benjamin that in some measure illustrates the power of the man in the forensic field. It was while he was in the United States Senate from Louisiana. Some measure was under discussion, in which Mr. Benjamin had acquitted himself in his usual able way. An opponent of Anglo-Saxon lineage took occasion in his closing remarks to allude with some degree of sneering contempt to Mr. Benjamin's race, and to the Senator, himself as "nothing, anyhow, but a Jew." The boldness and personality, not to say, brutality, of the insult, considering the place and the characters, brought a hush of expectancy, as the speaker took his seat. Everyone turned toward Mr. Benjamin to await his reply. Those who knew his power ex-

pected he would resent the language in a most effective way. They were prepared for an outburst of indignant eloquence. Mr. Benjamin met the emergency, and probably a more brilliant passage never escaped his lips. It was brief, but unanswerable. He calmly rose and said: "Mr. President, when the ancestors of the gentleman who has just spoken, as half-naked savages, were chasing the wild boar in the forests of Silesia, mine were the princes of the earth."

## HORACE BINNEY, PENNSYLVANIA.

(1780-1875.)

The vanquisher of Daniel Webster, in the great Girard will case. Born in Philadelphia, January 4, 1780; died there August 12, 1875, aged ninety-five. Of Scotch-English descent. Educated at University of Pennsylvania and Harvard; graduating at seventeen, with first honors of his class. Read law with Jared Ingersoll, then Attorney General of Pennsylvania, and one of its foremost lawyers. Admitted in 1800. His clientage for some years was meager; but of unflagging industry, he edited, during this time, six Pennsylvania Supreme Court reports, notably the decisions of Tilghman and Gibson, which are models of reporting. In 1807, his professional engagements had become extremely large, and before 1815 he was in the enjoyment of all that the profession could give in reputation and emolument. When seventeen years at the bar he had argued about thirty cases in the State Supreme Court; before fifty, had twice refused position upon that bench; and in 1843, was tendered by President Tyler a Supreme Justiceship, but de-

clined it, having resolved not to accept public office after sixty. Represented, in the United States Supreme Court, with John Sergeant, the city of Philadelphia, trustee under the will, in *Videl et al. v. Girard's Exrs.* (2 How. 127), being opposed by Walter Jones and Daniel Webster. His argument, made after a year's thorough preparation in Europe, was exhaustive, unanswerable and overwhelming, showing a complete mastery of every chancery precedent, ancient or modern, as to charitable uses, and won for the city the princely gift, and for him imperishable renown.

Two years before his death he was pronounced by Sumner and Evarts as at the head of the American bar. He is entitled to the highest rank as eulogist, biographer, historical critic and legal disputant. He was reserved, cold and unsympathetic; but accomplished and profound—never disappointing and often surpassing expectation; eloquent, earnest and self-possessed; of inflexible honor, a model citizen, and an earnest Christian.

## Indexes.

"I certainly think that the best book in the world would owe the most to a good index, and the worst book, if it had but a single good thought in it, might be kept alive by it."—To S. Austin Allibone, April 8th, 1868.

## Judges Should Hold Office During Good Behavior.

"The certainty and permanence of the law depend in a great degree upon the judges; and all experience misleads us, and the very demonstrations of reason are fallacies, if the certainty and permanence of the judicial office by the tenure of good behavior are not inseparably connected with a righteous, as well as with a scientific, administration of the law."—From "The Leaders of the Old Bar of Philadelphia," 1859.

## Two Ways of Studying Law.

"There are two very different methods of acquiring knowledge of the laws of England, and by each of them men have succeeded in public estimation to an almost equal extent. One of them, which may be called the old way, is a methodical study of the general system of the law, and of its grounds and reasons, beginning with the fundamental law of estates and tenures, and pursuing the derivative branches in logical succession, and the collateral subjects in due order; by which the student acquires a knowledge of

principles that rule all departments of the science, and learns to feel, as much as to know, what is in harmony with the system and what is not. The other is to get an outline of the system by the aid of commentaries and to fill it up by desultory reading of treatises and reports, according to the bent of the student, without much shape or certainty in the knowledge so acquired until it is given by investigation in the course of practice. A good deal of law may be put together by a facile or flexible man in the second of these modes, and the public is often satisfied; but the profession itself knows the first, by its fruits, to be the most effectual way of making a great lawyer."—Ency. Amer. article, Edward Tilghman.

#### Charitable Uses—Love of God and Our Neighbor.

"Here are the two great principles upon which charitable or pious uses depend. The love of God is the basis of all that are bestowed for His honor, the building up of His Church, the support of His ministers, the religious instruction of mankind. The Love of his neighbor is the principle that prompts and consecrates all the rest. The currents of these two great affections finally run together, and they are at all times so near that they can hardly be said to be separated. The love of one's neighbor leads the heart upward to the common Father of all, and the love of God leads it through Him to all His chil-

dren."—From *Argument Videl vs. City of Philadelphia*, in 1844.

### Religion.

"I have no pleasure in a public investigation of even points of law that require me to speak upon the subject of religion. Few men who think seriously in regard to it are ever ready to utter what they think in mixed assemblies. Few men who think with the greatest attention upon it, and are happy in always expressing precisely what they think, are ever willing to trust themselves with it in a debate like this. In a contest for victory we are not always masters of our language, not always, perhaps, followers of our principles. Though the subject, and the duty we owe to it, require us to weigh our words in 'scales of gold,' yet slight words that will not bear the weighing may thoughtlessly escape, to our own prejudice, and, what is much worse, words alloyed below the standard may be hastily uttered, to the prejudice and dishonor of religion itself."—*Idem*.

### Old Books Like Old Girls.

"Almost any law book that is more than twenty-one years of age, like a single lady who has attained that climacter. Is said to be too old for much devotion."—From "*The Leaders of the Old Bar of Philadelphia*," 1859.



## The Law a Noble Study.

"The law is a noble study, and worthy of the most ardent devotion. You will find the road to success a hard one to travel; harder than in my day, for methods have changed, and competitors are more numerous. But do not suffer yourself to become discouraged. For more than eight years after my admission to the bar I could not afford to stir my porridge with a silver spoon."—October, 1893, Green Bag.

Hamilton.

"Hamilton was the greatest man this country ever produced. He did more than any man of his day to give us a government; and Chief Justice Marshall, in expounding the Constitution, applied Hamilton's principles and borrowed his language. Read Hamilton's report as Secretary of the Treasury, upon the Funding Scheme, and then read Marshall's opinion in *McCulloch v. The State of Maryland*."—*Idem*.

## The Supreme Court of the United States.

"What, sir, is the Supreme Court of the United States? It is the august representation of the wisdom and justice and conscience of this whole people, in the exposition of their Constitution and laws. It is the peaceful and venerable arbitrator between the citizens in all questions touching the extent and sway of constitutional power. It is the great moral sub-

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stitute for force in controversies between the People, the States, and the Union."

### Head of the American Bar.

S. Austin Allibone, in 1873, two years before Mr. Binney's death, dedicates his "Poetical Quotations" to the venerable LL.D., "the head of the American Bar," and states that that was the verdict, verbally expressed to him, of Charles Sumner of the Boston bar, and William M. Evarts of the New York bar.

## FRANCIS MARION BLACK, MISSOURI.

(1836——.)

Chief Justice Black of the Supreme Court of Missouri was born on his father's farm, in Champaign county, Ohio, July 24, 1836. He was a tiller of the soil until twenty-one. He received a college education, studied law with John H. Young, of Urbana, Ohio, and emigrated to Missouri in 1864, locating in Kansas City, where he still resides. He was a leader of the bar of that city when elected to the Circuit Judgeship, in 1880. In 1884 he was promoted to the Supreme Bench of Missouri for ten years. He was a distinguished member of the State Constitutional Convention of 1875, and City Counselor of Kansas City, in 1874.

His practice at the bar covered a wide range, embracing commercial, corporation and land law, and all the departments of equity, in all of which he ranked among the first lawyers of the State. Thoroughly trained, laboriously industrious, magnificently endowed as to intellectual qualifications, sound, almost to infallibility, in judgment,

of the broadest and strongest common sense, partisan in advocacy, he was, indeed, a formidable adversary. Upon the Circuit Bench he added largely to his reputation as a lawyer, and fulfilled his duties to the universal acceptance. But it was as a Judge of the Supreme Court that his powers and capacities have been most conspicuously shown. He has great powers of condensation, as in the case of *Johnson v. Turner*, 95 Mo. 431, he read every line of the 14,000 pages of manuscript, and compressed the same into 1,500 words, omitting no salient fact. During less than ten years on the bench he has written (83-120 Mo.) 657 opinions, including 13 dissents, and 8 separate opinions—nearly all concluding with the characteristic words, "All concur." He occupies a high position among his associates, and his decisions will rank among the best ever delivered in any State. It may be said without disparagement to others, that in mental endowment and legal equipment, he has rarely had his equal.

## Testimony of Ex-Governor Francis.

"Never have I come in contact with a man more guileless, more sincere, more candid, more courageous, more devoted to his duty or more conscientious in the discharge thereof. He is a man of erudition, of wonderful breadth of mind, of marvelous comprehension and of incomparable election of the point of law or equity involved."—Ex-Gov. David R. Francis of Missouri, Oct. 1894.

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## JEREMIAH SULLIVAN BLACK, PENNSYLVANIA.

(1810-1883.)

"The Tribune of the People." He was born in the "Glades," Somerset county, Pennsylvania, January 10, 1810. Died near York, August 19, 1883, aged seventy-three. He was of Scotch-Irish descent, received a fair academic education and a year's training in classics, studied law, and was licensed to practice before twenty-one. He was at once made Prosecuting Attorney of his county; from 1841 to 1851 he was President Judge of the Sixteenth Judicial District of Pennsylvania; Chief Justice of the State, 1851-2, and Associate Justice to 1857, when he was appointed by President Buchanan Attorney General of the United States, and on December 7, 1860, Secretary of State. He was appointed Associate Justice of the United States Supreme Court, but was not confirmed. He was afterwards appointed Supreme Court reporter, and published 1 and 2 Black.

His opinions as a State judge appear in 12 vol-

umes (5 Harris to 4 Casey), in which he has discussed the law in all its branches. His practice in the United States Supreme Court, after official retirement, is large and lucrative. He received out of the New Idria Quicksilver Mine case alone \$160,000 in fees. He argued nearly all cases of political significance during the reconstruction period, except the test-oath cases; was leading counsel against the Government in the cases of Blyew, Milligan and McCordle, and many others involving constitutional rights of the States and of the citizen. The Vanderbilt will case and the McGarrahan claim were among his important cases. He was President Johnson's counsel in the impeachment trial, and of counsel for Tilden before the Electoral Commission. His every performance bears the impress of his wonderful mind. "Simplicity, directness and vigor were his predominating qualities," says Judge Maish. Of the Blyew argument A. H. Garland said: "It was the finest combination of law, logic, rhetoric and eloquence I ever listened to." He had a large nose, high forehead, shaggy eyebrows, and a tall, brawny, commanding presence. He was familiar with al-

most the entire field of English literature and the Latin classics.

A Liar.

"If he took an oath he was a liar, I might believe him."—Said of a witness.

Reply to Wayne MacVeagh.

"My friend from Dauphin (Mr. MacVeagh) spoke of legislation under the figure of a stream, which, he said, ought always to flow with crystal water. It is true that the Legislature is the fountain from which the current of our social and political life must run, or we must bear no life; but as it now is, we keep it merely as a cistern for foul toads to knot and gender in. He has described the tree of liberty, as his poetic fancy sees it, in the good time coming, when weary men shall rest under its shade, and singing birds shall inhabit its branches and make most agreeable music. But what is the condition of that tree now? Weary men do indeed rest under it, but they rest in their unrest, and the longer they remain there the more weary they become. And the birds—it is not the woodlark, nor the thrush, nor the nightingale, nor any of the musical tribe, that inhabit the branches of our trees. The foulest birds that wing the air have made it their roosting place, and their obscene droppings cover all the plains about them—the kite, with his beak always sharpened for some crude repast; the vulture, ever ready to swoop upon his prey; the



buzzard, digesting his filthy meal and watching for the moment when he can gorge himself again upon the prostrate carcass of the commonwealth. And the raven is hoarse that sits there croaking despair to all who approach for any clean or honest purpose."—Remarks in Constitutional Convention which adopted the Constitution of Pennsylvania of 1873.

#### The Influence of Literature.

"A language (or any kind of literature), though forgotten, enriches the mind as a crop of clover plowed down fertilizes the soil."—Speaking of Matthew H. Carpenter's early acquisition of French.

#### A Dissenting Opinion.

"The judgment now about to be given is one of death's doings. No one can doubt that if Judge Gibson and Judge Coulter had lived, the plaintiff could not have been thus deprived of his property, and thousands of other men would have been saved from the imminent danger to which they are now exposed of losing the homes they have labored and paid for. But they are dead, and the law which should have protected those sacred rights has died with them. It is a melancholy reflection that the property of a citizen should be held by a tenure so frail. But new lords, new laws is the order of the day. Hereafter, if any man be offered a title which the Supreme Court has decided to be good, let him not buy it if the

judges who made the decision are dead; if they are living let him get an insurance on their lives, for ye know not what a day or an hour will bring forth. The majority of this court changes on the average once every nine years, without counting the changes of death and resignation. If each new set of judges shall consider themselves at liberty to overthrow the doctrines of their predecessors, our system of jurisprudence (if system it may be called) would be the most fickle, uncertain and vicious that the civilized world ever saw. A French constitution or a South American republic, or a Mexican administration, would be an immortal thing in comparison to the short-lived principles of Pennsylvania law. The rules of property, which ought to be as steadfast as the hills, will become as unstable as the waves. To avoid this great calamity, I know of no resource but that of *stare decisis*."—From his dissenting opinion, in *Hole v. Rittenhouse*, 2 Phila. Reports, 417. It was an ejectment suit, and was before the Supreme Court three times.

#### A Great User of Tobacco.

Judge Black was an able chewer of tobacco. In the *McCardle* case, in which Carpenter and Black were of opposing counsel, the latter had begun, as the cause progressed, to chew and strengthen, and strengthen and chew. On observing this, Carpenter leaned over to Lyman Trumbull and whispered audibly: "They've got us. Black has filled one spittoon

and just sent for another."—Flower's "Life of Carpenter," p. 555.

#### Hair by Purchase.

Judge Black for a long time wore a wig. On one occasion, having donned a new one, he met Senator Bayard of Delaware, who thus accosted him: "Why, Black, how young you look; you are not so gray as I am, and you must be twenty years older." "Humph!" replied the judge, "Good reason; your hair comes by descent, and I got mine by purchase."—December, '93. Green Bag.

#### Lamentations of Jeremiah.

"In reviewing a case which came up from the court of his old friend, Judge Moses Hampton, Judge Black remarked that surely Moses must have been wandering in the wilderness when he made his decision, and sent the case back to the lower court. Judge Hampton on its second trial took occasion to remark that, although he would have to submit to the higher authority, yet still thought he was right, 'in spite of the Lamentations of Jeremiah.'"—January, 1894, Green Bag.

#### A Mining Case Fee—The Osage Land Case.

Out of the case of the New Idria Quicksilver Mine alone Mr. Black realized \$160,000 fees; and some of his finest forensic efforts were made in this line of cases. His daughter, Mary Black Clayton,

relates that after the Supreme Court had decided the Osage Land case in his favor, by which the homes of the inhabitants of five counties in Kansas were saved to them, he sent this telegram: "Opinion by Davis. Miller affirmed. Lawrence sustained. Shannon honored. Peck glorified. Justice vindicated. Truth triumphant. Settlers protected. The Lord God Omnipotent reigneth."—Reminiscences of Jeremiah S. Black, by Mary Black Clayton, St. Louis, 1887.

#### Judge David Davis' Tribute.

After Judge Black's speech in the Goodyear case, Judge David Davis said: "It is useless to deny it. Judge Black is the most magnificent orator at the American bar."

#### Garland's Tribute.

Attorney General Garland declared, after Judge Black's argument in the United States vs. Blyew et al. (13 Wallace, 581), involving the Civil Rights Bill—that Judge Black's argument was the finest combination of law, logic, rhetoric and eloquence he had ever listened to.—W. N. Hensel's article on Judge Black. —May, 1890. Green Bag.

## SIR WILLIAM BLACKSTONE, ENGLAND.

(1723-1780.)

Said by Horne Tooke "to be the author of a good gentleman's law book, clear but not deep." Born in London, July 10, 1723. Died there February 14, 1780, aged fifty-six. His father, a silkman, died before his birth, and his mother when he was eleven. Entered a seminary at seven, leading all at fifteen, when he left for Oxford, devoting himself for three years to classics, mathematics and literature, of which he took poetical leave in "A Lawyer's Farewell to His Muse," at eighteen to enter the Inner Temple. From his call to the bar at twenty-three till he was forty-six he was engaged in but two cases—*Robinson v. Bland*, as to whether a gaming debt made in France is recoverable in England, and *Tonson v. Collins*, as to common law right in literary property. His arguments were able and ingenious. He acquired little celebrity as an advocate, acting as counsel principally, not being "happy in a graceful delivery or a

flow of eloquence." As a common Pleas Judge, from 1770 until his death—except a few months on the King's Bench—he was painstaking and learned, but cautious and formal. His most famous decision,—*Perrin v. Blake*, is an exhaustive discussion of the rule in *Shelley's* case. His fame chiefly rests upon his law lectures and "Commentaries on the Laws of England," the writing of which "made him a learned lawyer," says *Ellenborough*. They were an attempt at a scientific classification, but the arrangement is said to be copied from *Hale* and the philosophy from *Puffendorf*, *Locke* and *Montesquieu*. They passed through eight editions during his life, and with his lectures made him \$80,000. The work has not been reprinted since 1844 in England, being supplanted by *Stephens' "New Commentaries."* He lacked analytical power, original thought, intellectual independence, and a knowledge of civil law; but showed wonderful research, and wrote in a clear, elegant style. Was a great reader and had a wonderful memory. Was punctual, irritable, sedentary, near-sighted, corpulent, orderly, reserved and dignified.

### Learning Out of Use—Necessary.

"The learning out of use is as necessary to a beginner as that of every day's practice."

### English Navy.

"The royal navy of England hath ever been its greatest defense and ornament; it is its ancient and natural strength,—the floating bulwark of our island."—1 Blackstone's Commentaries, Ch. 13, Sec. 418.

### Time Whereof, Etc.

"Time whereof the memory of man runneth not to the contrary."—1 vol. Commentaries, Ch. 18, Sec. 472.

### Use of Government.

"The principal use of government is to direct the united strength of the community in the best and most effectual manner to protect the weakness of individuals."

### The Law.

"The law is a palace full of light and architectural symmetry and grace."

### Witchcraft.

"Inasmuch as both the Scriptures and the laws of England recognize the crime of witchcraft, I cannot take it upon myself to deny that there has been

such a thing, though I cannot give credit to any particular modern instance of it."

#### Disliked the Title of "Doctor."

After Mr. Blackstone became a Doctor of Civil Law, his bookseller accosted him as "Doctor." It threw him into such a rage, and had such an instantaneous and violent effect, and operated on him to so alarming a degree that the poor bookseller thought he should have to send for a physician.

#### He Plagiarized Puffendorf, Etc.

"His philosophy of law was but a confused mingling of the theories of Puffendorf, Locke and Montesquieu."—G. P. Macdonald, "Stephen's Dic. of Nat. Biog.," p. 137.

#### Tribute to His Commentaries.

"His Commentaries are the most correct and beautiful that were ever exhibited of any human science."—Sir Wm. Jones.

#### Clothed the Skeleton of the Law.

"He it was who first gave to the law the air of a science. He found it a skeleton, and clothed it with life, color, and complexion: he embraced the cold statue, and by his touch it grew into youth, health and beauty."—Lord Avonmore.



### How He Became Learned.

"He made himself a learned lawyer by writing the Commentaries."—Lord Ellenborough.

### Commentaries—A Smattering of Everything.

"Though the most eloquent and best digested of our catalogue, has been perverted more than all others to the degeneracy of legal science. A student finds there a smattering of everything, and his indolence easily persuades him that if he understands that book he is master of the whole body of the law."—Thomas Jefferson.

### Copy of Hale.

The arrangement is a slavish and blundering copy of Sir Matthew Hale's; in the whole work there is not a single particle of original discriminating thought; its dattery of English institutions is a 'paltry but effectual artifice' which has made it popular."—Austin.

### Capital Crimes in His Time.

When the first edition of Sir Wm. Blackstone's Commentaries appeared in 1769 there were 160 offenses punishable with death. From murder in the first degree to the stealing of a watch.

His Farewell to Literature.

"But now the pleasing dream is o'er,—  
These scenes must charm me now no more:  
Lost to the field and torn from you,  
Farewell!—a long, a last adieu!

\* \* \*

Then welcome business, welcome strife,  
Welcome the cares, the thorns of life,

\* \* \*

The drowsy bench, the babbling hall,  
For thee, fair Justice, welcome all!"

—Extracts from "The Lawyer's Farewell to His  
Muse."

## EDWARD BLAKE, CANADA.

(1833——.)

Imperial and Canadian statesman, M. A. LL.D., Q. C., M. P. Born amid scholarly surroundings near London, Ontario, October 13, 1833, eldest son of William Hume Blake, Solicitor General and Chancellor of Upper Canada, educated at Upper Canada College and University of Toronto, taking gold medal and first class honors in classics with degrees of M. A. and LL.D., and is now Chancellor of that university, being appointed in 1876. Called to the bar, 1856, Queen's Counsel, 1864, he has been Lecturer on Equity, Jurisprudence, Examiner, Benchers and Treasurer of the Law Society at Toronto. Was one of the framers of the Constitution of the Dominion of Canada. Elected to Parliament, 1867, for South Bruce in the Ontario Legislature, and for West Durham in the Canadian House of Commons. Led the Opposition, 1868-71, and founded a government and became president of the Executive Council. Was member of the Privy Council at Ottawa, 1873; Minister of Justice, 1875, and President of the Council,

1877. Was a member of the Dominion Parliament from 1867 to 1891, and leader of the Liberals from 1880 to 1889. His efforts in the Pacific scandal of 1873 were, perhaps, the greatest in Canadian history. In 1892 he was elected to the British House of Commons for South Longford, by the Irish Nationals, he was one of the greatest of debaters and a colleague of Gladstone and Justin McCarthy.

He has had an enormous practice, and is eminent as a constitutional lawyer, and famous before the Imperial Privy Council. Some of his addresses are the longest, most sustained and powerful on record. He is head of the firm of Blake, Lash & Co. solicitors, and a standing counsel of the Canadian Pacific Railway. He declined the Chancellorship of Ontario, 1869, and the Chief Justiceship of the Supreme Court of the Dominion, 1875. He has a wonderful mind, a fertile intellect, and marvelous fluency, being one of the most correct speakers of the English language living.

## SAMUEL BLATCHFORD, NEW YORK.

(1820-1893.)

Eleven years an Associate Justice of the United States Supreme Court and twenty-six years on a Federal bench. Born in New York city, March 9, 1820. Died at Newport, Rhode Island, July 7, 1893, aged seventy-three. Was the son of Richard Blatchford, for many years counsel for the Bank of the United States, and for a longer time counsel for the Bank of England, and one of the executors of the will of Daniel Webster. Young Blatchford was prepared for college by the celebrated classical scholar, Dr. Charles Anthon; graduated from Columbia at seventeen; two years later was made private secretary by Governor William H. Seward; admitted to the bar, 1842; formed a law partnership, 1845, with Wm. H. Seward and Christopher Morgan, at Auburn; removed to New York city, 1854; appointed United States District Judge, 1867, by President Johnson, and to the Supreme Bench, March, 1882, by President Arthur. He is the author of twenty-four volumes of Circuit Reports. Was made LL.D. by Columbia College, 1867,

and was one of its trustees from that time until his death.

He ranks high as an admiralty judge. "No student," says Joseph H. Choate, "need go outside of his decisions to make himself master of the law, theory and practice of admiralty." In the law of patents he has left a broad and deep mark, and in the law of bankruptcy he was almost a creator. "His chief characteristic as a judge," says Attorney General Olney, "may be said to consist in the strictly business quality of his work." He had great ability to pluck a record quickly of its vital facts. Was conscientiously opposed to dissenting opinions, thought after discussion all should unite and declare the law with unbroken voice, consequently, out of his 430 decisions, (105-149 U. S.), there are to be found but five dissents. His judgments are lucid, accurate, sound; but rather harsh and dry, and lack comprehension and vivacity.

He possessed an ample fortune. Was of medium height and weight, dignified, unassuming, conscientious, quiet, industrious, safe, methodical.

## LOGAN E. BLECKLEY, GEORGIA.

(1827——.)

Chief Justice of Georgia. Born in Rabun county, Georgia, July 3, 1827. Is the son of an Irish-English father and German mother. His education was confined to the village academy, though he has been a wide and deep reader. He read law alone, and was admitted before nineteen. His professional income for the first two years was between \$35 and \$50. He kept books three years; was made secretary to the Governor; settled in Atlanta; was elected Solicitor General for eight counties of Georgia, and served four years. Served as a private in the confederate service, but was soon discharged on account of ill-health. He was Supreme Court Reporter in 1864, reporting 34th and 35th Ga., and resigned in 1867. He was appointed to the Georgia Supreme Court in 1875, and resigned in 1880, returning as Chief Justice in 1887, which office he still holds.

He is extremely conscientious, resigning as Supreme Judge mainly for that reason. He says, "My trouble is, to become fully persuaded that I know. I

reconsider, revise, scrutinize, revise the scrutiny and scrutinize the revision, and then I discover the thing is all wrong. My colleagues are called; we reconsider and decide the other way. Then I am satisfied; for when I know the law is not on one side, it must be on the other." His style is epigrammatic, for example, "According to the bill, the father had no capital and the son no character. The man without character carried on business in the name, and upon the credit of the man without capital," (*Nussbaum v. Heitron*, 63 Ga. 312). "Trusts are children of equity; and in a court of equity they are at home—under the family roof-tree, and around the hearth of their ancestors," (*Kupperman v. McGehee*, 63 Ga., 250). He is a wit, a philosopher, a poet and possesses a legal imagination and marked individuality, as for instance his fixed habit never to go to sleep in debt. He has no equal in "catching a case," and thinks, acts and speaks in an unconventional way.

#### Honesty in Politics.

"There is the same reason for rigid honesty in politics and public life, in elections and with electors and elected, as in ordinary private business or per-



sonal conduct. The political devil is no more to be fought with fire without terrible consequences to the best interest of the community, than is the devil of avarice or envy or ambition, or any other of the numerous devils which infest society."

#### Wisdom a Lost Art.

"If we have reached a state of degeneracy where virtue has ceased to be practical, and where vice and fraud are forces of such potency that they can be met and resisted only by forces of like kind, I think wisdom is already a lost art, and that we are on the confines of perdition and that ere long we shall tumble over the wall and be swallowed up in the pit."

#### Preaching is the Hog and Hominy of Religion.

"If any debt ought to be paid," said Justice Bleckley, "it is one contracted for the health of souls," and he therefore ordered a Baptist church in Georgia to pay the back salary of the preacher, remarking, in passing, that simple and exact justice in the relation is "the hog and hominy, the bacon and beans, of morality, public and private."

#### Illuminating Wit.

"When it comes to wit, of the sort that illuminates the subject, Chief Justice Bleckley is easily chief among all American judges."—Irving Browne in July, 1894, Green Bag.

## His Appearance Written by Himself.

"In person he is tall, angular and ungraceful; and though he has a passion for beauty, no trace of that enchanting quality is visible upon his own face. He himself admits to his confidential friends that he is ugly."—For the Supreme Court of the North American States and Provinces.

## Fear.

"I see, on either hand, a cave  
That opens downward through the grave—  
Ten thousand heavens were in vain,  
For hell may be a hell of pain,  
Or that which seems a lower deep—  
The hell of everlasting sleep;  
And thus the chance for bliss for me,  
If lots were cast, is one in three.  
The loss of self, or loss of peace!  
Twin perils now to me so nigh!  
Until they cease, or seem to cease,  
I pass all minor changes by.  
Between these hells of sleep and flame  
I do confess myself to blame;  
Like Adam, I have disobeyed,  
And I, like Adam, am afraid."  
—From Poem on "Fear," written March, 1893.

## Faith.

"The what and the where and the when  
Must needs be uncertain to men;  
For the future, if distant or near,  
Let none of its secrets appear,  
No definite hope may endure,  
No favorite bliss be secure,  
Not even existence be sure;  
But the something that ought to befall,  
Will happen at last unto all."

—From Poem on "Faith," Sept., 1849.

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**SIR CHARLES S. C. BOWEN, ENGLAND.**

(1835-1894.)

Late Lord Justice of Appeals, which position he held from 1882 to 1893, being succeeded by Sir Horace Davey upon his promotion to the House of Lords. He was a Privy Counsel, Fellow of the Royal Society, Doctor of Civil Laws of Oxford University and Doctor of Laws of the University of Edinburgh. Born at Wollaston, Gloucestershire, in 1835, died April 9, 1894, aged fifty-nine. Was the eldest son of the Rev. Christopher Bowen; educated at Rugby and Balliol colleges, Oxford, where he carried off three of the great university prizes, including the Hertford and Ireland scholarships and the Arnold prize essay. He was placed, 1858, in the first class of classical honors, and called to the bar at Lincoln's Inn in 1861. Became senior member of the "Truck Commission," in 1870, junior standing counsel to the Treasury, 1872, Recorder of Penzance the same year, Judge of the Queen's Bench Division of the High Court of Justice, 1872, on the retirement of Justice Mellor, and a Lord

Justice of Appeals, 1882, succeeding Sir John Holker.

He was junior to Hawkins in the Tichborne prosecution, but speedily surpassed his leader in the race of promotion. Every educated Englishman is proud of his name; the legal profession gloried in his splendid culture, courtesy, dignity, and mastery of the history, theory and practice of the law. While Justice, often when the puisne judges were away on circuit, he returned to his old seat in the Queen's Bench Division and heard common law actions. The list speedily melted away, speculative suits were dismissed, family quarrels were compromised and questions of accounts were quickly sent to the Official Referee. He is best studied in the Law Reports, where his judgments are models in every way. He has written a pamphlet on the "Alabama Question," and an historical essay, entitled "Delphi," a translation of Virgil into English verse, and an admirable chapter on the progress of the law in "The Victorian Era."

No Moaning, Etc.

"Let there be no moaning of the bar when I go out to sea."—Said by Lord Bowen at a bar meeting.

Translation of Aeneid.

In his translation of the Aeneid it is said that he has produced "the stateliest measure ever molded by the lips of man."

His Loss the Greatest Since Jessel.

"His death was the greatest loss that the English law has sustained since Sir George Jessel."—George H. Knott, Common Room, Middle Temple.

## JOSEPH PHILO BRADLEY, NEW JERSEY.

(1813-1892.)

Twenty-two years Associat Justice of the United States Supreme Court. Born at Berne, New York, March 14, 1813; died at Washington, January 22, 1892, aged seventy-eight. He was the eldest of eleven children of a poor farmer and a shrewd, sweet-tempered mother. Taught from sixteen till twenty-one. Graduated from Rutgers at twenty-three, with Theodore Frelinghuysen, Cortlandt Parker and Governor W. A. Newell. Completed a course in theology, but abandoned it and read law with Archer Gifford, of Newark, and was admitted at twenty-six. He was thirty years in practice, appearing in the most important causes. He was noted for his knowledge of law and skill in its application. Was appointed Associate Justice oy President Grant, February 7, 1870, succeeding Justice Grier. He received the degree of LL.D. from Lafayette in 1859.

Among his most important trials were the Meeker will case, the Passaic bridge case, the New Jersey zinc and the Belvidere land cases, and the Hardin

and the Donnelly murder cases. His intellectual distinction was thoroughness. He was always at work. Said: "All I ever did was done by dogged and unyielding perseverance." He had the three elements of greatness—wisdom, integrity of purpose and simplicity. Was learned in common law, equity, admiralty, civil and patent law, and the jurisprudence of the world, ancient and modern, and proficient in mathematics, the natural sciences and astronomy, making abstruse calculations for forty centuries ahead, and his general attainments covered a wide range. He was pronounced by one of his associates "the most learned man he ever knew;" by George Harding, "unsurpassed as a patent lawyer, if ever equaled;" and by Cortlandt Parker, "the most deeply informed man I ever met on subjects foreign to his profession." His decisions, in nearly sixty volumes (9 Wall.—141 U. S.), 475 in number, with 93 dissents, are couched in pure, undefiled English, vigorous but elegant. He was simple, unpresuming and kind, and an honorable Christian gentleman.



## Judicial Insight.

"Some men seem to be constituted by nature to be masters of judicial analysis and insight. Such were Papineau, Sir Matthew Hale and Lord Mansfield, each in his particular province. Such was Marshall in his. They seemed to handle judicial questions as the great Euclid did mathematical ones, with giant ease."

## The Accomplished Lawyer.

"In order to be an accomplished lawyer, it is necessary, besides having a knowledge of the law, to be an accomplished man, graced with at least a general knowledge of history, of science, of philosophy, of the useful arts, of the modes of business, and of everything that concerns the well being and intercourse of men in society. He ought to be a man of large understanding; he must be a man of large acquirements and rich in general information; for he is a priest of the law, which is the bond and support of civil society, and which extends to and regulates every relation of one man to another in that society, and every transaction that takes place in it."—From an address before the Law School of the University of Pennsylvania, 1884.

## Three Great Lawyers.

"Three men in our generation have died in judicial harness whose names will be as imperishable as the law itself—Jessel, Miller and Bradley."—John G. Johnson, of Philadelphia bar.

### Blackstone.

"There is nothing to compare with the Commentaries of Sir William Blackstone, in completeness of scope, purity and elegance of diction, and appositeness, if not always absolute accuracy, of definition and statement."—Idem.

### One Book.

"Perfect familiarity, perfect mastery, of any one good book is a mine of intellectual wealth, not merely not so much for the matter which is thus made one's own, as for the vocabulary, the diction, the style and the manner of expression which is mastered and indelibly fixed on the mind."—Idem.

### Great Reader and Studied Theology.

He read nearly everything in his uncle's circulating library, and while at college completed a course in theology, but before graduation gave up the idea of becoming a minister and decided to study law.

### Library and Knowledge of It.

His law library numbered upwards of 5,000 volumes, and his general library was still larger. He was a reader of novels and extremely fond of poetry. He made a special study of Shakespeare in late years. In history, biography and genealogy he seemed to know something of the personal details of almost everybody that was ever heard of.

### His Learning of the Alphabet.

When he learned the alphabet from his mother he asked, "Is that all?" He was not content with the assurance that that was all, but took down a book nearly as large as himself and went through from page to page in search of other letters.

### Scientific Scholar.

He applied himself to scientific investigation, to problems of the higher mathematics, astronomy, physics and mechanics. Was thoroughly familiar with the principles of botany, chemistry, geology and kindred sciences, and he kept pace with the new discoveries being made in each of them.

### Biblical Scholar.

He studied foreign languages, reading many great authors in the originals. Became one of the most accomplished Biblical scholars in the country. Always kept beside him a copy of the New Testament in the original Greek, which at church he never failed to consult. He delivered in various places just before coming to the bench, lectures upon the English Bible.

### Broke in Bookcase.

Judge Bradley had a violent temper, and, although a consistent member of the church, would swear at inanimate things when enraged. On one oc-

casion, upon going to his office to get two or three books to take to Trenton, whither he was going to argue a case in the State Supreme Court, he found to his dismay he had changed his pants and left his book-case key behind. Says a student then reading in his office: "He was so much put out that he took an old hatchet lying near by and broke in the fine doors, saying, as was his habit: 'There, I'll teach you to be locked, d—n you.'"

#### Cut into Shreds a New Pair of Breeches.

Upon another occasion, (by the way, he was very unconcerned about his dress), he was about to go away to appear before some important tribunal, and Mrs. Bradley persuaded him to change his breeches, which were out at the knees and in the seat, for a new pair which she had gotten unknown to him. He hurried to the station, only to find he had been left. When he returned to the house he took off the pants, took out his knife and cut them into shreds, saying as he did so: "There, d—n you, I'll teach you to make me miss my train."

#### A Very Learned Man.

"No man ever sat upon the bench of the Supreme Court of the United States who, in the extent and variety of his knowledge, has surpassed Mr. Justice Bradley. He was a very learned man."—Frank W. Hackett.

Paid \$1,400 for His Neglect to Protest and Collect a  
Note.

When busy one day writing out a brief, some client came bustling into his office and said that he wanted that \$1,500 note protested, laying it down; that the maker was insolvent, but the indorser was good, and he wanted to hold him. "All right," said Bradley, who was a man of few words, "I'll 'tend to it." With this he shoved the note under his desk-pad and went on with his work. In a few days the owner of the note called to see if Bradley had collected the money on his note. "O, yes," said Bradley, at the same time taking out his check-book and handing him a check for \$1,400, the amount of the note, less his fee. The fact is, the note had been forgotten and was then lying under the pad right where Bradley had put it. But he would not admit his carelessness to his client, and thus paid \$1,400 for his forgetfulness.

Taken by a Philadelphia Janitor for a Visitor.

When Bradley first went to Philadelphia to hold court, he was accosted, upon entering the building, by one of the janitors, who taking him for a casual visitor, assumed to show him over the various floors. Coming to the Judge's Chambers, Bradley inquired what room it was. "Oh, this is for the Judges; but they haven't arrived yet." Laying aside his umbrella and taking off his coat and hat, he quietly remarked: "One of them has."—April, 1892, Green Bag.

**Being Drawn for a Justice's Juryman in Washington.**

When he went to Washington to take his place as Associate Justice upon the United States Supreme Bench, he was walking along Pennsylvania avenue when a constable looking for a juryman on the street, summoned him as one of the six. Bradley went almost to the justice's court before asking the constable if he was in the habit of putting Justices of the Supreme Court of the United States in his jury box. Bradley said he had a good mind to go into court and carry the joke still further.

**JAMES TOPHAM BRADY, NEW YORK.**  
(1815-1869.)

The Curran of the New York bar and the most popular advocate of his time. Born in New York city April 9, 1815; died there February 9, 1869, at the age of fifty-three; was of Celtic origin; educated under his father, Thomas S. Brady, a successful lawyer; had good knowledge of law at sixteen; admitted at twenty-one; distinguished himself in about his first case in the release of Sarah Coppin, a poor English girl, who, having been robbed upon landing, was thrown into the street and bound out by the authorities; Corporation Attorney of New York in 1845; refused United States Attorney Generalship; was never married.

Some of his greatest cases were: *Goodyear v. Day* (1 Blatch., 565), a great patent case; the *Allaire and Parrish* will cases, involving questions of medical jurisprudence; the *Huntington* forgery case; the *Cole* homicide at Albany; defense of the "Savannah Privateers" for piracy (for his and Mr. Evarts' speeches, see Snyder's "Great Speeches" p. 343); the

Forrest divorce suit; the defense of Daniel E. Sickles for the assassination of Philip Barton Key.

He was conspicuous in all departments of the law, and in winning before judges and juries alike. For over twenty-five years he was in most of the important cases in the State of New York. His success was due to a clear statement of the case, skillful and courteous cross-examination of the witnesses, and tact and eloquence with the jury—scarcely losing a case where engaged before them a week, they then seeing through his eyes. During a thirty-four years' practice he defended fifty-one men for their lives, saving them all from the gallows or a long imprisonment. He was fervid in imagination and flowery in style. "Many of his noblest productions were not unlike the Corinthian pillar, in which the strength of the column is lost sight of in the symmetry of its proportions and the beauty of its decorations."

#### A Desecrated Hearthstone.

"Alas! that hearthstone was desecrated; the spoiler had been there. Where joy and brightness had reigned luxuriantly, were sorrow and gloom.



That beautiful fabric of domestic love and tranquility was overwhelmed in ruin, and the ravens of despair were croaking and gloating over the dark desolation. Gentlemen, what is home without its jewels, what is earth without its flowers, what is heaven without its stars?"—Extract from the Sickles-Key murder trial, had in Washington, D. C., in allusion to Philip Barton Key's despoiling the home of the prisoner, Daniel E. Sickles.

Who is on the Other Side Besides the Judge.

"May it please your honor, who is engaged on the other side of this case besides the judge," said Brady to a judge who was continually ruling against him.

Cared More for Good Opinion of Others Than Greatness.

"I do honor greatness, genius, and achievements; but I honor more those qualities in a man's nature which show that while he holds a proper relation to the Deity, he has also a just estimate of his fellow-men and a kindly feeling towards them. I would rather have it said of me after death, by my brethren of the bar, that they were sorry I left their companionship, than to be spoken of in the highest strains of gifted panegyric."—At a meeting of the Bar in New York in memory of Hon. Daniel S. Dickinson.

Reply to a Barking Dog.

Once while in one of his oratorical flights, he became violent in his tone and gesture, and a juror's dog, which had been lying under his master's chair, suddenly appeared and barked at the orator. As quick as a flash the speaker turned on the brute with:

"I am Sir Oracle,

And when I open my mouth let no dog bark."  
It was a happy flight of fancy and won the case.

As a Nation, We are Distinguished for Three Things.

"We are a nation certainly distinguished for three things; for newspapers, politics, and tobacco."  
—Extract from the defense of the "Savannah Privateers."

When the Advocate is of Use.

"The advocate is of very little use in the days of prosperity and peace, in the periods of repose, in protecting your property, or aiding you to recover your rights of a civil nature. It is only when public opinion, or the strong power of government, the formidable array of influence, the force of a nation, or the fury of a multitude, is directed against you, that the advocate is of any use."—In defense of "Savannah Privateers."

## DAVID JOSIAH BREWER, KANSAS.

(1837——.)

Succeeded Mr. Justice Matthews as Associate Justice of the United States Supreme Court, January 6, 1890. Born in Smyrna, Asia Minor, June 20, 1837, while his father, Rev. Josiah Brewer, was a missionary there. His mother was a sister of David Dudley, Stephen J., Cyrus W., and Henry M. Field. He graduated from Yale in 1856 with high honors, spent one year in David Dudley Field's office in New York, and graduated from the Albany Law School in 1858. Went West in the same year, residing a few months in Kansas City, Missouri, then started up the Arkansas valley for Pike's Peak and Denver. In 1859 he returned to Leavenworth, Kansas. Was appointed 1861, United States Commissioner; in 1862, was elected Judge of the Probate and Criminal Courts of Leavenworth county, Kansas; in 1864 he was elected Judge of the District Court of the First Judicial District of Kansas, and served in 1868 as County Attorney; in 1870 was elected a Justice of the Supreme Court of Kansas, being re-elected in

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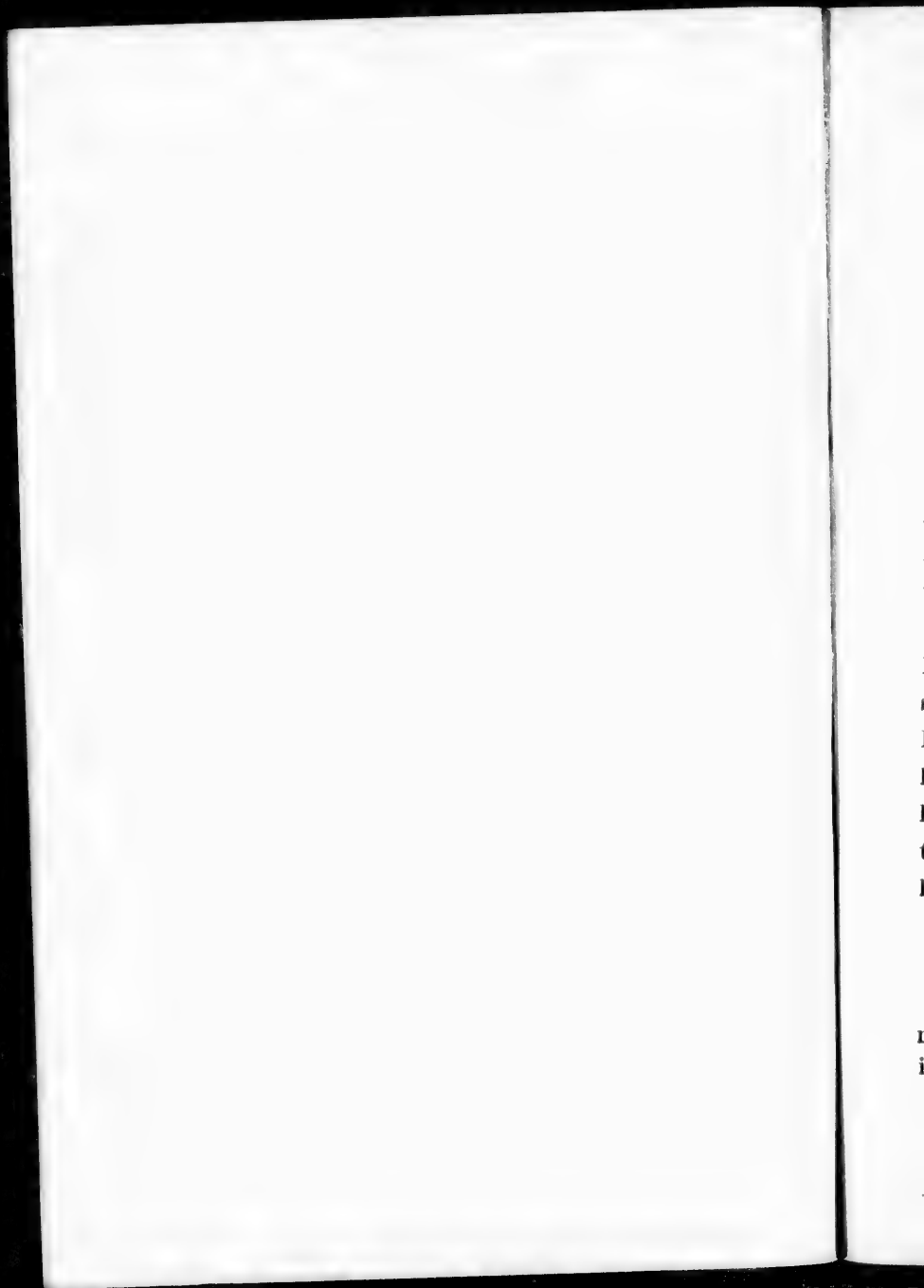
DAVID H. HARRIS





DAVID JOSIAH BREWER.

From a Photograph by Prince, Washington, D. C.



1876 and 1882; in 1884 was appointed Judge of the Circuit Court of the United States for the Eighth Circuit, where he ruled that the owner of a brewery must be compensated when prohibited from manufacturing beer (*State v. Walruff*, 26 Fed. Rep., 178 ), subsequently reversed by the United States Supreme Court, (*Mugler v. Kansas*, 123 U. S., 623). Sustained the Maxwell Land Grant, the largest private land grant ever sustained in this country, (*U. S. v. Maxwell, etc.*, 26 Fed. Rep., 118). His opinions (133-154 U. S.), 220 in number, including 45 dissents, show him to be of the broadest grasp and the utmost courage.

Mr. Brewer has received the degree of LL.D. from Iowa, Washburn and Yale colleges. He is a professor of law at the Columbia Law School, Washington. His perception is quick. His various judicial duties have been discharged with untiring industry, acknowledged ability and impartiality. In character, temperament, learning and experience, he has proved himself a worthy member of his distinguished family.

#### Arraignment of a Non-Reading Jury System.

"No administration of justice can be due that is not prompt. It is with the utmost difficulty that punishment is secured of a criminal who has means to



carry on his defense, and when secured it is only at the end of a long and expensive litigation. Every lynching is but a protest of the community against the incapacity of the courts to punish criminals. No longer let the precious hours and days of the courts be consumed in hunting through the streets of the city for twelve men too ignorant or too little interested in public events to have read in the papers the story of each day's doings."—Remarks at the Union League Club Banquet, Chicago, March, 1894.

BENJAMIN HARRIS BREWSTER, PENN-  
SYLVANIA.

(1816 -1888.)

Perhaps the most interesting and witty nisi prius lawyer and the most striking and interesting figure of his time. Born in Salem, New Jersey, October 13, 1816. Died in Philadelphia, whither he had removed with his father when one year of age, April 4, 1888, aged seventy-one. Was of Puritan ancestry, precocious and beautiful, but when five years old his clothes caught fire from an open grate and his face was burned and disfigured for life. This repelled his father from him, and for long periods he did not speak to his son. At fourteen he entered Princeton, and graduated at eighteen. Studied law with the late Eli K. Price, of Philadelphia, and was admitted at twenty-two. At twenty-seven he was promised the Attorney Generalship of Pennsylvania, but the death of Governor Muhlenberg robbed him of that honor, which was conferred upon him twenty-three years later by Governor Geary, in which position he acquired a high

reputation. At thirty, President Polk commissioned him to examine into the Cherokee claims against the Government. After the Dangerfield slave case, in which he appeared for the slaveholder, he was surrounded by a mob. Wrapping the American flag about him he dared anyone to fire. President Garfield retained him as special counsel to prosecute the Star Route trials, and in 1881 President Arthur appointed him Attorney General of the United States.

He had a prodigious memory. Admiral Porter relates that he recited to him page after page from Cicero. His oratorical powers were wonderful, his speeches on great occasions being masterpieces—that on the dedication of the statue of Alexander Hamilton in New York city, being in the finest taste. He was a popular stump speaker, and in great demand during elections. In arguing a case he pounded unanswerable questions. Had great power over juries, and made malicious prosecutions a specialty. His disfigurement, and dress of the old school gentleman of the early part of the nineteenth century, attracted attention everywhere.

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## Human Thoughts.

"The highest works of human skill and human thought outlive through ages the creatures that produced them."—From address in 1853, at College of New Jersey.

## Genius.

"Genius—that which men call genius—the dazzling results of irregular and bewildered intellects—the sensuous thoughts of voluptuous men—can intoxicate and degrade—can enchant and enervate; but it cannot purify and exalt—it cannot give content to life or confidence to death. Human nature is prone to ennoble those who are inspired with the dangerous gift of genius; few who are endowed with it are fit to use it. It would seem almost as if they were blemished with defects and stained with vices lest mankind should worship them."

## Hamilton.

"Alexander Hamilton is the glory of this nation. Jurists, statesmen, and philosophers of all nations will honor and reverence his name. He will be ranked with the greatest and wisest of law-givers and philosophers. Solon and Lycurgus and Aristotle could have sat down with him and found in him a kindred spirit. \* \* \* At twenty-three he laid before James Duane, a member of Congress from New York, his plan for organizing the government of this people on a firm and stable foundation. He had at

that early age fathomed the whole subject, and with a force of reason that was his great gift he set forth in clear and well-defined words the public wants of the confederated colonies. It was the first draft of a great Title Deed conveying supreme popular power to a government created by the people for the public good. I do not use an exaggerated expression when I say that it was an astonishing work of knowledge, wisdom, and genius. It is an unexampled document. There is not another like it in the records of this world's history—and by a youth of twenty-three years! \* \* \* Washington, Franklin, Hamilton—a conjunction of human greatness, human wisdom, and human genius never before so united.”—From an address on Hamilton at Central Park, New York, November 22, 1880, upon the erection of Hamilton's statue.

#### Advised With His Mother.

“I have advised where I should—in the quiet of the night with my own heart and conscience—and with the only and best friend I have, my mother; and from that I have resolved what I now write.”—To Simon Cameron, October 30, 1844, concerning the Attorney Generalship of Pennsylvania.

#### Politics.

“All the world over, the trade of a politician is the occupation of a gamester; it is the business of a man whose time is spent in envy and strife. \* \* \*

A life well spent in the pursuit of almost any calling will yield you a better income, will give you an independence of position and a manly dignity of character that no office can secure for you. \* \* \* The shores of political life in every country are strewn with wrecks, and some of them were rich argosies. The highest public distinction in this country can have no attractions for right-minded men unless they are the unsought reward of personal worth, dignity of character, mental ability, and a blameless life—obtained in any other way, they disgrace those who hold them.”—Said by him when thirty-nine, after six years of private practice, having been beaten out of the United States Attorney Generalship by George M. Dallas’ influence with President Polk: Savidge’s *Life of Brewster*, p. 77.

#### The Study of Letters.

“The study of letters is the only true consolation in adversity, and the only embellishment of a prosperous and happy life.”

#### Busts of Cicero, Etc.

Not thirty days after his first fee, he bought busts of Cicero and Demosthenes.—*Life* p. 39.

#### First Four Years’ Income.

His income the first year was slightly over \$500; the second about \$900; the third, less than \$900; the fourth, upwards of \$1,500.—*Life*, p. 41.

## Church and State.

"No political organization shall receive my support that will subject citizens to a religious test; I will not consent to do anything that can be construed into acquiescence in opinions—political opinions—that would invade the right of private judgment and the liberty of conscience; and because I am a Protestant I hold it to be my duty to give my testimony in favor of religious liberty and against intolerance. In my judgment it is the right of all men—as men—to think and speak as they please upon the subject of their religion, being responsible to God alone for their thoughts or words, and any attempt to deprive them of their civil rights because of those opinions would be an act of injustice and a great public crime." Savidge's *Life of Brewster*, p. 81.

## Fame.

"If you wish to know what public fame is, remember that the long line of Roman consuls and Grecian magistrates is now forgotten, while Aesop, the slave, Socrates, the mechanic, and Horace, the son of a freedman, are immortal."

## A Lawyer's Start and Ending.

"The lawyer starts life giving \$500 of law for \$5, and ends by giving \$5 worth for \$500."—*Brewster's Life*, p. 38.

## Within the Law.

"Within the forms of law we are safe; beyond them we are in ruin."

### How to Act During Early Days at the Bar.

"Force nothing. In the whirl and hurry of a premature practice, you may become apt, quick, sharp, but never solid, learned, self-reliant."—*Idem*, p. 46.

### His Characteristics.

"Brewster is an energetic, bold, skilful man in arousing the interests and passions of the people, and exceedingly popular among them, swaying at will their feelings. His stormy eloquence and ugliness please the masses. He is a sort of minor American Mirabeau. He entered life under the most appalling disadvantages—deserted by his father, scathed by fire, with an appearance almost frightful, without a single friend to aid him in his almost hopeless career, and a mother and sister dependent upon his youthful exertions. By the force of unaided energies he has gone steadily upward in both his political and professional career."—From letter of Wm. Cook, 1845: *Savidge's Life*, p. 73.

### Emory A. Storrs' Estimate of Brewster.

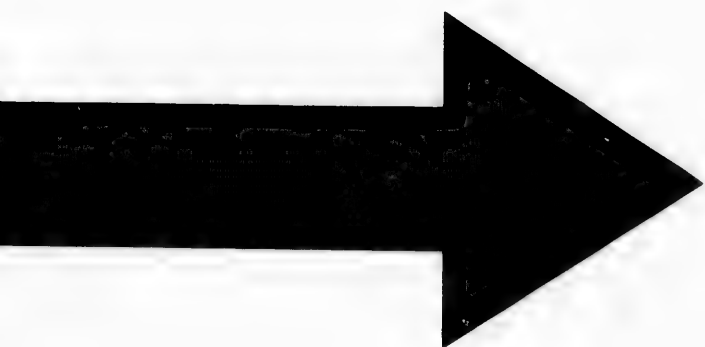
Emory A. Storrs pronounced him "the greatest lawyer in the country—greater even than Wm. M. Evarts."—*Life* p. 106.

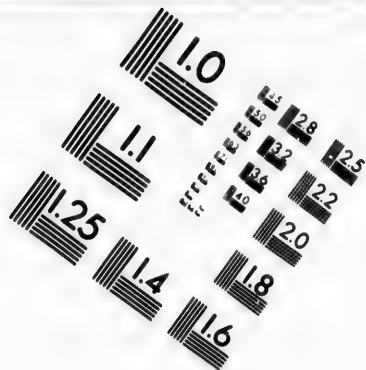
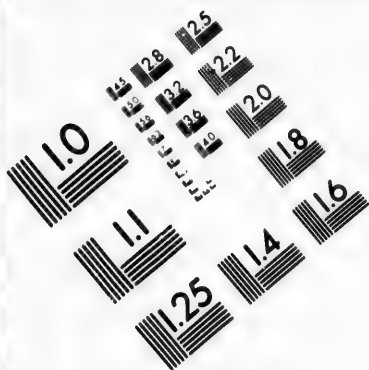
### The Dangerfield Case.

He said in the Dangerfield slave case, in which he appeared for the slaveholder, that he would shrink

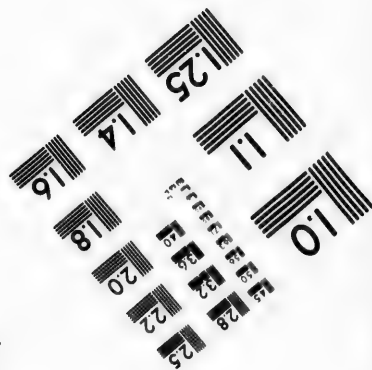
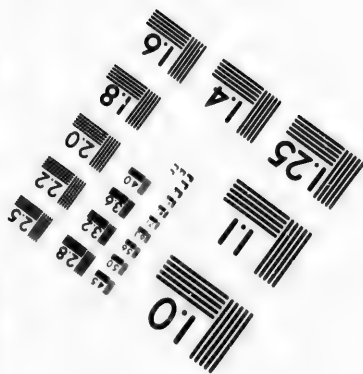
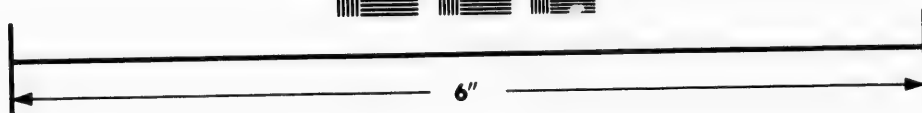
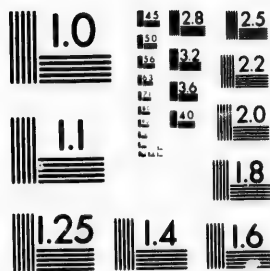








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from no case because of the odium that might attach to it, and that he would levy no 'blackmail.' This case was on trial two days and all one night, and was decided in favor of the slave. A mob of negroes surrounded Mr. Brewster's house, and dared him to appear. Mr. Brewster appeared to the crowd with the American flag thrown about him, and, with one of his passionate bursts of oratory, dared any one to fire at him for upholding the laws of the United States, as plainly and unmistakably written in the Constitution.—Brewster's Life, pp. 87-90.

Cameron's Opinion of.

"You have accomplished more than any man that has lived, under the circumstances. You have ability, education, knowledge, and have won, under difficulties such as no other man has ever battled with and conquered, a professional reputation that is equal to any man in our land, so full of wonderful successes."—Simon Cameron: Life of Brewster, p. 98.

His Retort to a Philadelphia Lawyer.

A Philadelphia lawyer, in an address to the jury, referred to Mr. Brewster's personal disfigurement. Mr. Brewster replied: "When I was a baby I was a beautiful, blue-eyed child. I know this, because my dear, dead mother told me so; but a careless nurse let me fall into the fire, and when I was picked up from the burning coals my face was as black as the heart of the scoundrel who has referred to my disfigurement here."

## JAMES O. BROADHEAD, MISSOURI.

(1819- —)

A distinguished member of the St. Louis bar and present Minister to Switzerland. Born in Albemarle county, Virginia, May 29, 1819. He is the son of a humble farmer; entered the University of Virginia at sixteen, where he supported himself by teaching; emigrated to Missouri at eighteen, where he has lived for half a century. He read law under Edward Bates, was admitted at twenty-three, and settled at Bowling Green. He removed to St. Louis in 1859; served in the Legislature; one term in Congress from a St. Louis district; in the State Constitutional Convention, and has held many responsible positions, civil and military, in all of which he acquitted himself ably and faithfully. His practice has been extensive, his learning, ability and rectitude always recognized. A signal victory was his in *Southern Express Co. v. Iron Mountain, etc. Ry.*, (117 U. S., 1), the issue being whether a railroad is a common carrier of a common carrier. Edmunds, of Vermont, Seward, of New York, and Campbell, of

New Orleans, were for the express company. Colonel Broadhead closed for the railroad in a masterly two-day speech, winning, and reversing the United States Circuit Court. His efforts in the Whisky Prosecutions under Grant, being opposed by Storrs, of Illinois, Porter, of New York, and Voorhees, of Indiana, were magnificent. Of the St. Louis Gas case (73 Mo., 219), John W. Henry, ex-Supreme Judge of Missouri, says: "His argument for the Gas company was the ablest I ever heard in the Supreme Court. With very few exceptions he is the ablest, best equipped lawyer I have ever seen, ranking with such competitors as Samuel T. Glover, Willard P. Hall, and Britton A. Hill, in every respect their equal, and in many qualities decidedly their superior. He takes a broad, comprehensive view of the question involved, and his statement is an argument, clear, concise, direct and of the purest Anglo-Saxon words." He is social, plain, unassuming, kind, liberal—the very incarnation of truth and honor. "To know him well is to love him much."

## JOSEPH EMERSON BROWN, GEORGIA.

(1821-1894.)

Twice Supreme Judge of Georgia, and two years its Chief Justice. Born in Pickens District, South Carolina, April 15, 1821. Died November 30, 1894, aged seventy-three. He worked on his father's farm till nineteen, when he started out for himself with nothing but a suit of clothes and a pair of oxen, walking most of the way to Calhoun Academy, South Carolina, where he received his education, going into debt therefor. Returning to Canton, Georgia, he taught a year, and was admitted to the bar, 1845; graduating a year later from the Law Department of Yale. He settled in the practice at Canton, applied himself with assiduity and was awarded with success, gaining a large practice and a wide reputation. He was elected to the State Senate in 1849; was the youngest man of the State Electoral College in 1852; Judge of the Supreme Court of Georgia, 1855-7; Governor of the State, 1857-65, defeating Benj. H. Hill in his first canvass; suffered his only defeat in his candidacy for



the United States Senate, 1868; was appointed Chief Justice of the Supreme Court (1868-70), which he resigned to take the presidency of the Western Atlantic Railroad company; served in the United States Senate, 1880-91.

The Southern portion of the Union has furnished few men who can be placed above Mr. Brown, of Atlanta. Beginning without means or influence, a country boy, he was successful in every position, public or private: successively statesman, jurist, lawyer, railroader, financier, manufacturer, miner, business man, real estate investor, farmer, philanthropist—having given \$150,000 to churches, schools and charities. As Governor he was the most conspicuous Southern war executive, opposing the Davis policy of conscription, and urging the acceptance of reconstruction measures. As Senator he was a friend of the poor and oppressed, his speech in 1880, in favor of pensioning Mexican soldiers, being one of the most memorable ever delivered in that body. A model Christian gentleman, he has lived a life full of honor and usefulness.

## Slavery and Secession Settled by War.

"I believed then, and I believe now, that the right of secession was inherent in the several States, but when we staked it upon the issue as joined, we were bound honorably and in good faith to abide the judgment of that highest of human tribunals, the *ultima ratio regum* (the last argument of kings). The result of that litigation in that high court of last resort was the arbitrament of the sword that slavery was abolished, perpetually, forever abolished, and must always remain abolished, and that ours is an indestructible union of indestructible States. And while I would have given my life then to maintain our institution of slavery, believing it was for the best interests of both races, morally, politically, socially and religiously, yet, if by turning my hand over to-day I could re-instate it, I would not do so. I accept the result, feel bound by the judgment, and shall never move for a new trial. And I say the same to the question of secession; I consider it forever settled." —From speech as to pensioning Mexican soldiers in U. S. Senate, June 12, 1880.

## Revolution and Rebellion.

"If we had succeeded we would have been patriots and heroes, but having failed we were rebels; consequently we must accept the term, 'The War of the Rebellion.'"—Idem.

### The South Were in Union During War and Out Afterwards.

"During the war you said we had no right to go out of the Union; that we never were out; that our ordinances of secession were nullities; that we were all the time in the Union. Well, we surrendered after we had made as gallant a fight as we could, and we came back, with our representatives, ready to acquiesce in your theory, and in good faith resume our place in the Union, and you refused to admit us. You said we were in while we were fighting you, but we found we were out when we laid down our arms."—*Idem.*

### Tribute to Brown.

"In perfect self-poise, in knowledge of men, in comprehension of the people, in intuitive perception of public opinion, in adaptation of means to ends, in many varieties of successful achievements, Joseph E. Brown has seldom had an equal."—Walter B. Hill, of the Macon (Ga.) bar.

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**HENRY BILLINGS BROWN.**

*Associate Justice of the United States Supreme Court.*

From a Photograph by Bell, Washington, D. C.

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JOHN H. H. H. H. H.

**HENRY BILLINGS BROWN, MICHIGAN.**

(1836——.)

Associate Justice of the United States Supreme Court since December 29, 1890, by appointment of President Harrison, succeeding Mr. Justice Miller. Born in Lee, Massachusetts, March 21, 1839. His father was a manufacturer and his mother a woman of exceptional strength of character. Graduated at Yale in 1856, with Chauncey M. Depew and Mr. Justice Brewer; devoted a year to travel and study in Europe; took a law course in the Yale Law School, but received his degree from Harvard; located in Detroit, Michigan, 1859; was appointed Deputy United States Marshal; Deputy District Attorney, in 1861-1868; appointed by Governor Crapo, Judge of the Wayne County Circuit Court; formed a law partnership with J. S. Newberry and Ashley Pond; appointed by President Grant, 1875, United States District Circuit Judge, which position he held until elevated to the Supreme Bench. His practice was almost exclusively in the United States Circuits, and his knowledge of admiralty and criminal law made him emi-



nent in those branches. He has tried more admiralty cases than any judge on the bench, and is a recognized authority in this particular field, and compiled a volume of admiralty reports in 1875. In 1889 he delivered before the twelfth annual meeting of the American Bar association at Chicago an address upon "Judicial Independence," in which he reviewed, in a masterly manner, the history of the judiciary from its early days to the present, taking high ground, and contending for a tenure of office which would remove judges from temptation and from suspicion; and at the sixteenth annual session of the American Bar Association at Milwaukee, an address upon "The Distribution of Property," which showed great research and decided opinions upon the labor question.

His decisions (138-154, U. S.) 170 in number, including thirty-seven dissents (among which is the *Illinois Central Railroad v. Illinois*, 146 U. S. 387, Justices Shiras and Gray concurring), are expressed in clear, emphatic, and, at times, picturesque language. He is a fine classical scholar, a close student, and an easy speaker.

## Municipal Ownership of Franchises.

"I have never been able to perceive why, if the government may be safely entrusted to carry our letters and papers, it may not with equal propriety carry our telegrams and parcels, as it has done in England and other foreign countries for several years; or why, if our municipalities may supply us with water, they may not also supply us with gas, electricity, telephones and street cars. They are all based upon the same principle of a public ownership of the streets and highways, and a power to grant franchises to third persons, which the municipality, if it chooses, may reserve to itself."—From an address, "Distribution of Property," delivered at Milwaukee, Aug. 31, 1893, before American Bar Association.

**BENJAMIN FRANKLIN BUTLER, MASSACHUSETTS.**

(1818-1893.)

Lawyer, soldier, millionaire, politician, orator. Born at Deerfield, New Hampshire, November 5, 1818; died at Washington, D. C., January 10, 1893, aged seventy-four. Graduated from Waterville College, Maine, at twenty; admitted at twenty-two, at Lowell; member of the Legislature and Congress; Governor of Massachusetts in 1882; was three years in the war for the Union, becoming Major General; was refused degree of L.L. D. by Harvard.

His first important case in the United States Supreme Court was in 1857 (*U. S. v. Sutter*, 21 How., 170); appeared for the United States in 1866 in *ex parte* Milligan (4 Wall. 2); received a \$75,000 fee in prize act cases in United States Supreme Court at close of war; was leading counsel for the prosecution in the Johnson impeachment; appeared in the Legal Tender cases (12 Wall., 457). His practice before the war was the most lucrative of any lawyer in New England—at least \$25,000 a year, and the last few

years amounted to \$50,000 annually. Died worth \$7,000,000. He never took notes, said if the jury could carry the facts he could; held a point of law was as much the property of his client as a point of fact; believed in hard study and careful thought; that any man who thoroughly applied his common sense ought to know the common law, as it is the perfection of common sense; that a lawyer must study almost every kind of business and many of the sciences. He therefore spent a week in a repair shop, coat off, hammer in hand, testing the resisting power of iron to intelligently try a railroad accident case. Studied all books on scurvy to prosecute a sea captain, defended by Choate, and recovered a verdict for \$3,000 for negligence in not taking sufficient vegetables, etc., for the voyage.

He was prompt in retort and a master cross-examiner. His chief trait was sharpness. Said Judge Abbott: "He excelled all lawyers in keeping out and getting in evidence." A man of great intellectual force, his brain weighed sixty-two ounces. He was vigorous, aggressive, pugnacious, picturesque.

### The Farming Population.

"The wealth, the prosperity, the steadfastness, the hope of religion, of liberty, and of freedom of the world, rests upon the producing and on the country population of this Commonwealth (Mass.) and on that of the United States."—From an Address at Middletown.

### Answer to Judge Hoar.

Judge Rockwell Hoar, in opposing Butler for Congress, said he had "no personal hostility to General Butler, but could not but regard him as an objectionable candidate." Butler, in reply, said: "Your affection, however, is like yourself, peculiar. Something like that of the lady in Tennyson's poem for the Prince:

"I hated him with the hate of hell!

But I loved his beauty passing well."

He admitted the judge had been a good judge between party and party, but accused him of sometimes "mistaking dyspepsia for a conscience."

### Never Refused Assistance Where He Could Win.

"I have made it a rule of my life never to refuse to assist in trying cases, however desperate, if I believed there was any chance to win."—Butler's Book.

### Refused the Vice-Presidency in 1864.

He was offered the Vice-Presidency with Lincoln in 1864, but declined, unless the President would

agree to die within three months after his inauguration. He did die in less than a month and a half. Thus Butler missed the opportunity of being President of the United States. When he declined, the position was offered to Andrew Johnson, at Lincoln's request.

#### Tarbox and Pill-Box.

Butler alluded to the campaign of 1876 between Dr. Ayer, the famous pill manufacturer, and John K. Tarbox, Republican and Democratic Congressional nominees, respectively, as "one between Tarbox and Pill-box."

Diligence, Study, and Thought Necessary to Success.

"I do not believe in genius carrying a man along in the practice of the law, and I want here to record, for the benefit of the young men who come after me in the profession, that diligence, hard study and careful thought are the only roads to success in any branch of the law, except that, possibly, a turn for oratory may help the advocate. But the mere advocate, however brilliant, will lose the most cases, although he may win the most verdicts."—Butler's Book, p. 990.

"Lord, What Wilt Thou Have Me to Do?"

Butler, who had borne the decisions in favor of one Mr. Lord, of Salem, in the Massachusetts Legislature, finally said to the Speaker, "I suppose you feel as did Saul in his trance on the road to Damascus, 'Lord, what wilt Thou have me to do?'"

## Analysis of His Character as a Lawyer.

"Opposition only strengthened him, though often in a wrong direction. Qualities such as his were bound sooner or later to lead their possessor to success at the bar. Was he, then, a great lawyer? The bar generally would scarcely admit this. He was not a great lawyer in the sense in which Curtis was a great lawyer; nor a great advocate, like Choate; nor a skilful conductor of a cause, like Durant. And yet, even before the war, he had encountered and overthrown the veteran Choate and the redoubtable Farley, and many more of a race of giants. His quickness, his marvelous memory, which carried without the aid of pen or pencil the details of the most elaborate, and complicated causes, his audacity, often imprudence, his readiness, and, when angered, his contempt for scruple, made of him a formidable adversary. To achieve a personal triumph over witness or counsel, and sometimes over court, he would sacrifice his chance for a verdict. Thus he said of a Rhode Island United States District Judge, that he was 'an inferior judge, of an inferior court, of an inferior State.' The fact is that his judgment was, and continued to be, bad. If a case arose which called for, and would stand the fullest investigation, he was the man for it—for concealment and equivocation were scarcely possible to a witness under the operation of his methods. But to touch delicately on certain matters, to maintain a wise silence on others,

were, in general, not contemplated by him, and when contemplated, came to naught if a taunt from his adversary provoked him. He was, however, full of resources. His intellect saw the object and the path to it with marvelous distinctness. His nature was an untiring and unresting one. A trial with him was a battle in which every energy was put forth, every nerve was strained. Politeness, even humanity, were entirely beside the question"—F. W. Griffin, "Analysis of General Butler's Character as a Lawyer."

#### Butler's Bible Knowledge.

"I regret to say that my knowledge of the Scriptures is largely confined to the fact that under the tutelage of my Christian mother I read the Scriptures through very carefully, and was examined upon my reading by her. I also committed the four gospels to memory; having fortunately a retentive one, and was able to recite them when called upon, even to the first eighteen verses in our version of the Gospel of St. Matthew, which is very trying, as everybody seemed to beget everybody else. I send you, which you do not seem to have seen, a copy of 'Butler's Book' which I have written, which I beg you to accept with my compliments.

"Very truly, your friend and servant,

"BENJ. F. BUTLER."

A letter dated October 1st, 1892, to Father Moore, of Holy Cross, Kan.



### Groan by Opposing Counsel—Butler Wanted Court to Adjourn.

An opposing counsel to Butler, when a witness gave some damaging evidence, gave a groan, doubtless intended for effect on the jury. In an instant up sprang Ben, with "Stop! stop!! stop!!!" "What is the matter, Mr. Butler?" asked the judge, taken by surprise at the interruption. "May it please your honor," replied the imperturbable advocate in the blandest of accents, "my brother L—— is taken suddenly ill. Did you not hear him groan just now? The court might like to take a short recess, I thought." "Proceed with the examination of the witness. Let there be no more interruption," said the judge. But the effect of the groan was neutralized.

### Butler's Tact in Anticipating Choate.

Being opposed to Rufus Choate in an important case, Butler forestalled his eloquent opponent by saying to the jury: "Choate is retained in every great case to lend to it the power of his rare abilities to obtain a verdict. Such, gentlemen of the jury, is the charm of his eloquence, that he has only to wave over you his magic wand and you are so completely mesmerized by his will that you will say black is white, and white, black, if he only says it is so. You are wholly under the bewitching influence of his eloquence, and are led by it whithersoever he chooses to lead you. You start, gentlemen—you brace yourself

back with a determined air, as if to say, however it may be with others, you are proof against his blandishments. Ah! gentlemen, little do you know the spell that will soon be upon you. I have myself seen it in so many instances that I speak with confidence and certainty on this point."

Choate's speech being anticipated, he made a very ordinary speech, claimed he was an ordinary, plain spoken man, and thus made a very tame speech. Butler's tact succeeded in a disagreement—equivalent to a verdict for Butler's client.

#### Don't Tell the Court What You Don't Know.

He was always audacious. For instance, a case being called in which publication had to be made to get service, the young lawyer said, "Let notice be given." "In what paper?" was the inquiry of the gray-haired clerk of the court, a staunch Whig. "In the Lowell Advertiser," said young Butler, who was a Democrat, naming a Jackson paper. "I don't know such a paper," said the clerk, disdainfully. "Don't interrupt the court proceedings, Mr. Clerk," said the lawyer, "for if you begin to tell us what you don't know there will be no time for anything else."

#### \$1,000 to Argue Case in U. S. Supreme Court—Refused to Draw Contract.

He was employed by New York city clients to argue an important case of infringement, was paid \$1,000 to go to Washington and argue the case in the

Supreme Court. On the way over there the litigants got together, agreed upon a sum to be paid, and when it should be paid, etc. Butler's client requested him to draw the contract of settlement, but Butler refused, saying he was not paid to come to Washington to do the work of a scrivener, and no inducement could persuade him to draw the papers, and his client was obliged to get a local Washington lawyer to do it.

#### Harvard Professor.

He was cross-questioning a witness in a somewhat sharp manner and the judge interrupted, reminding the lawyer that the witness was a Harvard professor. "I know it, your honor," he replied, "we hanged one of them the other day."

#### Offsetting Damages of Cow by Legal Advice.

"Mr. Butler," said a supposed client, "one of my neighbor's cows jumped my garden gate last night, and completely destroyed my flower beds. The gate was of the height required by law, and was closed. Now I wish to know whether I can obtain damages?"

"Most assuredly," replied the widow's friend.

"Well, Mr. Butler, how much?"

"O, about ten dollars."

"But, Mr. Butler," triumphantly, "the cow was yours."

"Ah!" said Mr. Butler, thoughtfully; and he looked unutterable things out of his bad eye. Then

he turned to his desk, scratched off a few lines on a piece of paper and handed it to his visitor. It was in the form of an account, and read as follows:

"B. F. Butler to Mrs. — Dr.: To damages caused by cow, \$10.00. Cr., by legal advice, \$15.00. Balance due me, \$5.00."

"Mrs. —," said Mr. Butler, softly, "you needn't hurry about the payment."

#### Lyman Trumbull's Estimate Of.

"Butler was a man of versatile talents, great resources and executive ability. He was egotistical had a high opinion of himself, and was not always scrupulous in the means employed to accomplish his ends; but he possessed great ability and rendered his country valuable services, both in a military and civil capacity. He possessed many good qualities, and it is to be regretted that his ambition to succeed in whatever he undertook should ever have led him to resort to questionable actions. This is briefly the opinion I formed of the General during my long acquaintance with him."—Lyman Trumbull, upon Butler's death.

#### Advises President Johnson in Jefferson Davis' Treason.

Upon the advice of Senator Benjamin F. Wade, of Ohio, Butler was called in as counsel and advised President Johnson in the treason case of Jefferson Davis.—Butler's Book, pp. 916-918.

### Cleared Peter Moore on Flaw in Indictment.

In *State of Massachusetts v. Peter Moore*, indicted for adultery with one Mary Stuart, Butler made the objection that the indictment did not state that Mary Stuart was not the wife of the defendant. The court overruled the objection and said that the point was a "sharp" one. But Butler took the case up on a writ of error and the Supreme Court decided in his favor.—*Idem*.

### Cleared Prisoner for Larceny.

In another case a prisoner was indicted for larceny, there being four counts in the indictment, under which the full penalty was sixty years. Butler agreed that his client should plead guilty on the one that charged the theft of the greatest amount, and the other three should be quashed. After his client had pleaded guilty the three other counts were nollied and the prosecutor moved for sentence on the fourth. Butler pointed out that the indictment did not allege any place where the crime was committed, and that the court had no jurisdiction. Ten minutes from that time the prisoner was walking out of court a free man.—*Idem*. 998.

### \$75,000 Fee.

In the Prize Act cases, involving over \$1,000,000, which he won, the court awarded him \$75,000 as a fee.—Butler's Book, pp. 1010-12.

## How to Get Rich.

"Nothing is so safe for an investment as improved real estate. Nothing is likely to grow in value faster. In the last fifty years ninety per cent of all the merchants and traders in Boston have failed. In the last fifty years ninety per cent of all the business corporations have failed or gone out of business, so that their stock has been wiped out. In the last fifty years all the improved real estate, on the average, has paid its interest and taxes and quadrupled in value. If a young man's father can give him anything to start him in the world he had better invest in that way, and let it accumulate, and earn his living, and he will be richer than if he had gone into business." —From letter to Boston Herald, Aug. 26th, 1887: "How to Get Rich."

## Assisting an Embezzler.

An embezzling bank cashier once called upon Butler and said he had been speculating and had used \$40,000 of the bank's money; that an expert was working upon the books, and it would be but a day or two when he would be found out, and he wanted Butler's counsel in this dilemma. Butler asked how much money was then in the bank under his control. The terrified cashier replied \$100,000. "Bring it to my office," said Butler, "follow my advice and keep quiet." The young man did so. Butler then took a carriage, drove around to the residences of some of the chief

bank officials and told them he had a client that had taken \$140,000 from their bank; that the bank was powerless to recover a cent; that he had prevailed upon his client to pay back, and he could get \$90,000 turned back into the bank, if at the same time they would solemnly promise not to prosecute. This they gladly did. The young man was helped out of a very embarrassing situation, and Butler, with a twinkle of his game eye, put \$10,000 in his pocket.

#### A Key—Real Estate.

He cleared Elijah Record of larceny, charged with stealing a door-key from a lock, on the ground that a key, being part of the house, is real estate.—Butler's Book, p. 987.

#### Giving the Court a Chance to Get Right.

Upon one occasion Butler was discussing a point of law to the full bench of the United States Supreme Court, when one of the court remarked: "Mr. Butler, that proposition of law is settled in *Brown v. Smith*, 106 U. S."

"I understand that, your honor, but I want to give the court a chance to get right," said Butler, nothing daunted.

#### Wealthy.

He was said to be worth \$7,000,000 when he died,

## A Case on Second Rehearing.

He got a second rehearing in the American Emigrant Aid Society, plaintiff in error, v. the County of Adams, after the case had been decided against plaintiff in error below and in the United States Supreme Court, and there had been a rehearing in the Supreme Court, notwithstanding there is a rule of the court that there can be but one rehearing. This and the legal tender cases, in which he was also concerned, being the only cases in which a second rehearing has been had. Butler said to his client, who came to him with the record and wanted him to examine it: "The patient being dead and buried, and the sexton having gone home to supper, you come to me for resurrection."—Butler's Book, p. 993.

## His Brain Weighed Sixty-two Ounces.

Butler's brain was found to weigh sixty-two ounces, four more than the brain of Daniel Webster. Up to this time the brain of Webster was the second largest on record, the largest being that of Cuvier, which weighed sixty-five ounces. The average weight of the brain in man is forty-nine ounces.



## JOHN CADWALADER, PENNSYLVANIA.

(1805-1879.)

United States District Judge for twenty-one years. Born in Philadelphia, April 1, 1805; died January 26, 1879, aged seventy-three. He was of military ancestry, being the son of General Thomas Cadwalader and grandson of General John Cadwalader of Revolutionary fame. The Judge was martial in disposition, many of his opinions having the tone of military command. He graduated from the University of Pennsylvania at sixteen, studied law with Horace Binney, and was admitted at twenty. He soon appeared in some of the most important causes. Was of counsel in the Girard will contest; prominent in the litigation that arose on the failure of the Bank of the United States; private counsel to President Buchanan, who afterwards appointed him United States District Judge for the Eastern District of Pennsylvania. He gained widespread fame during the troublous times of the Rebellion. In 1861 new questions in the international, civil and Federal

law arose. In another jurisdiction it had been decided that the government had no belligerent rights against the Southern States, and could not blockade their ports nor capture their property on the high seas. Judge Cadwalader decided that the United States had the power, although Congress had not declared war. By his decisions at that time he became the leading mind in the judicial district of the United States. He was a master of admiralty, international and commercial law. His opinions are almost antediluvian in their research for precedents. They are thorough, exhaustive and unanswerable.

A very learned lawyer has said: "There has never been a difference of opinion at the bar as to the extent of his learning. I believe he has always been reckoned to be the most learned man in our profession. He possesses the enlightened genius of Mansfield, and the learning and culture of Lord Stowell." As a lawyer he was profoundly learned; as a judge, pre-eminently able; as a man, above reproach.

## JOHN CALDWELL CALHOUN, SOUTH CAROLINA.

(1782-1850.)

The greatest Constitutional statesman the South has produced, and one of the most original thinkers upon political philosophy the world has seen. Born in Abbeville District, South Carolina, March 18, 1782; died at Washington, D. C., March 31, 1850, aged sixty-eight; son of an Ireland-born farmer and a Scotch-Irish mother; educated at Columbia at nineteen, and at Yale law school at twenty-two; admitted at twenty-five; member of South Carolina Legislature at twenty-six; member of Congress at twenty-nine (within four years of the time he predicted he would be); favored the American cause in the war of 1812; supported Tariff Acts of 1816 (contrary to his ideas in 1828); Secretary of War under Monroe at thirty-five, and that department yet feels the effect of his master hand; Vice President under Adams and Jackson, but resigned to become Senator and advocate nullification, which resulted in Governor Haynes ordering out 12,000 militia to resist the

collection of taxes by the United States, but was put down by Jackson, and by Clay's compromise act of 1833; advocated "State Sovereignty" the same year, in his great debate with Webster; was opposed to Jackson removing deposits of the United States bank; Secretary of State under Tyler; again United States Senator in 1845 (Judge Huger resigning to give way on account of public clamor); was in office continuously, after twenty-six, for forty-two years—thirty-nine under United States Government.

He was equalled only by Webster and Clay as a debater. "Webster was inductive, and convinced the reason; Calhoun, deductive, and dazzled the understanding; Clay, seductive, and carried the votes." "Clay, Calhoun, Webster," said Everett. "I name them in alphabetical order. What precedence can be assigned them? Clay, the great leader; Webster, the great orator; Calhoun, the great thinker." He was pronounced by John Stuart Mill, "the greatest speculative political thinker in American politics since the days of the Federalist." He stamped his mind on the country more definitely, perhaps, than any statesman since Hamilton. He was audacious, self-reliant, untiring, inflexible.

### Cohesive Power of Bank Surplus.

"A power has risen up in the Government greater than the people themselves, consisting of many and various powerful interests, combined into one mass, and held together by the cohesive power of the vast surplus in the banks."--From Speech, May 27, 1836.

### The Virtue of the Puritans.

"By what causes has so inconsiderable a beginning as that of the colonies of New England, under such formidable and apparently almost insurmountable difficulties, resulted, in so brief a period, in such mighty consequences? They are to be found in the high moral and intellectual qualities of the pilgrims. Their faith, piety and confident trust in a superintending Providence; their stern virtues; their patriotic love of liberty and order; their devotion to learning, and their indomitable courage and perseverance. These are the causes which surmounted every obstacle, and which have led to such mighty results."

### Devotion to Duty.

"If I know myself, if my head were at stake I would do my duty, be the consequences what they might."--Said in the United States Senate in 1847.

### Believed in the Infallibility of His Own Mind.

"Of all known men he had the most complete confidence in the infallibility of his own mind."--James Parton.

The North Value Intellect—The South, Character.

"At the North you overvalue intellect; at the South, we rely upon character; and if ever there should be a collision that shall test the strength of the two sections, you will find that character is stronger than intellect, and will carry the day."—Said in 1845.

#### Disunion.

"The liberty and union of this country are inseparable. Disunion—this single word comprehends almost the sum of our political dangers, and against it we ought to be perpetually guarded."—Said in 1816, when favoring the tariff bill, while in the House, which speech he afterwards tried to avoid.

#### His Manner and Appearance When Speaking.

One biographer of Calhoun says: "His countenance at rest was strikingly marked by decision and firmness; in conversation, or when speaking, it became highly animated and expressive. His large, dark, brilliant, penetrating eyes strongly impressed all who encountered their glances. When addressing the Senate he stood firm, erect, accompanying his delivery with an angular gesticulation. His manner of speaking was energetic, ardent and rapid, and marked by a solemn earnestness which inspired a strong belief in his sincerity and deep conviction. He very rarely indulged in figures of speech, and seldom left any doubt as to his meaning."

### His Education at Eighteen.

At eighteen years of age he could read, write, and cipher; he had read Rollin, Robertson, Voltaire's Charles XII, Brown's Essays, Captain Cook, and parts of Locke.

### Discussion With President Dwight at Yale.

He was asked by President Dwight, at Yale, "What is the legitimate source of power?" He answered, "The people." The whole hour was consumed by them in the discussion which followed.

### Not Humorous.

He never made a joke in his life, and was totally destitute of humor.

### Calhoun and Clay Compared.

"Able as Mr. Calhoun certainly was, he found an antagonist in Mr. Clay too adroit and ready for him. He required time to prepare his matter and arrange his ideas, even to select his words. Mr. Clay did not, at least in a personal controversy. As he said, he was self-poised, ever ready; he could fire off-hand without rest. Mr. Calhoun, on the contrary, must have time to load and take deliberate aim. In doing so he was sure to hit and penetrate the most vulnerable point of his antagonist, but while he was doing this his antagonist would have hit him in a half dozen places."—Nathan Sargent.

## His Self-Reliance.

"When in Yale College he was ridiculed by his fellow-students for his intense application to study. 'Why, sir,' he replied, 'I am forced to make the most of my time, that I may acquit myself creditably when in Congress.' A laugh followed, when he exclaimed, 'Do you doubt it? I assure you if I were not convinced of my ability to reach the National Capital as a representative within the next three years, I would leave college this very day.'" (He left college at twenty-two, and was in Congress in seven years.)—Mathews, "Getting On in the World," p. 94.

## Constituents Going South to Teach.

Calhoun and Webster were standing at the Capitol, looking down Pennsylvania avenue, and Calhoun observing some mules traveling southward remarked: "Hello, there, Webster! Yonder comes some of your constituents!" "Yes," said Webster, "they are going South to teach."

## Webster's Opinion Of.

Webster being asked whom he considered the greatest man he had met in the Senate, or with whom he had come in contact in public life, replied without hesitation, "John C. Calhoun. He was long-headed, a man of extraordinary power—much the ablest man in the Senate."—Harvey's Reminiscences of Daniel Webster, p. 219.



### Appearance, Voice and Manners.

"Like most of the race, he was rather slender, but very erect, with a good deal of dignity and some grace in his character and demeanor. His eyes were always remarkably fine and brilliant. He had a well-developed and strongly-set nose, cheek bones high, and cheeks rather sunken. His mouth was large, and could never have been a comely feature. His early portraits show his hair erect on his forehead. His voice could never have been melodious, but it was always powerful. At every period of his life his manners, when in company with his inferiors in age or standing, were extremely agreeable, even fascinating."—James Parton.

### His Retort to Clay.

In the United States Senate Mr. Calhoun had recently lent his support to the administration of Mr. Van Buren, and Mr. Clay was denouncing him for apostasy. With his eye darting fire across the chamber, Mr. Clay cried out, "The gentleman has gone over to the enemy, and time alone can disclose the motive." "The gentleman," said Mr. Calhoun, "went over to the enemy, and did not leave it for time to disclose the motive."

JOHN ARCHIBALD CAMPBELL, LOUISIANA.  
(1811-1889.)

Associate Justice of the United States Supreme Court from 1853 to 1861. Born in Washington, Georgia, June 24, 1811. Died at Baltimore, Maryland, March 13, 1889, aged seventy-eight. Was the son of Duncan G. Campbell, a distinguished lawyer and statesman; entered State University of Georgia at eleven, graduating at fifteen, with first-class honors; was three years a West Point cadet; licensed to practice law with Robert Tombs, by special act of the Georgia Legislature; settled in Mobile in 1836; exhibited great familiarity with political economy in a financial report to the Alabama Legislature at twenty-six; twice refused seat on Alabama Supreme Bench; appointed by President Pierce, Associate Justice, March 22, 1853, at forty-two; resigned in 1861, and became Assistant Confederate Secretary of War; at end of the Rebellion he resumed practice in New Orleans, Louisiana.

Upon his reappearance before the bar of the Supreme Court, where and when his best work was

done, his arguments became as renowned as any ever delivered there. His arguments in *Hallett v. Collins* (10 How., 174), in the *Slaughter House* cases (16 Wall., 36), and in those of *New Hampshire and New York v. Louisiana* (108 U. S., 75-6), entitle him to be ranked at the head of the profession. His decisions (15-24 How.), 112 in number, with 26 dissents, notably *Florida v. Georgia* (17 How., 621), show him to have been a profound and philosophical jurist and greatly learned in the civil and common law. "Ranks with the greatest advocates of our time," says George Ticknor Curtis, "not for eloquence, not for brilliancy, not for the arts of the rhetorician, but for those solid accomplishments, for that lucid and weighty argumentation by which a court is instructed to a right conclusion." Of one of his arguments an Associate Justice said: "The greatest I've heard since a member of the court."

He was a man of noble presence and great physical power; tall, dignified and impressive; of exalted character, lovable in his home life, and possessed an ardent Christian faith.

A Philosophical Jurist.

"Judge Campbell had few, if any, equals at the American bar as a profound and philosophical Jurist; as a jurist who was continually giving vigor and breadth to his intellect by resorting to the great sources of the Roman law. \* \* \* He went to the bottom of everything that required his attention, and shrank from no drudgery that was necessary to accomplish his purposes."—William A. Maury: From remarks at Judge Campbell's death in United States Supreme Court.

Greatest Lawyer in United States.

"John A. Campbell was the greatest lawyer in the United States, in my opinion. I knew him well."—Thomas J. Semmes, of New Orleans, in letter to the author, October 11, 1892.

JAMES VALENTINE CAMPBELL, MICHIGAN  
(1823-1890.)

Member of the Michigan Supreme Court thirty-three years, from its organization in 1857 till his death. Born at Buffalo, New York, February 25, 1823; died at Detroit, Michigan, where he had continuously lived since 1826, March 26, 1890, aged sixty-seven. Admitted at twenty-one; elected to Supreme Court at thirty-four; carefully educated; fine literary taste; interested in historical matters; author of "Outlines of the Political History of Michigan." Wrote with rare aptness of expression. His opinions, appearing in seventy volumes of the Michigan reports, are marked by clearness of statement and deep understanding of legal principles. Was one of the founders of the Law School of Michigan University, and twenty-six years Marshall Professor of Law there. Thousands who have profited by his instructions are endeared to him. Eminent in all branches of the law, his knowledge seemed inexhaustible. His opinions in *Twitchell v. Blodgett* (13 Mich. 127), and *Peo-*

ple v. Hurlburt (24 Mich. 44), involving Constitutional questions, index the richness of his mind in this branch of inquiry.

His bearing was high and dignified, and he looked, as he was, an ideal judge. A courteous Christian gentleman, an able lawyer, an upright judge. "With gravity, patience, learning, he vaunted not himself," said Judge Brown, of Detroit, in a memorial address. "His manner upon the bench was the perfection of judicial courtesy. He was a patient and attentive listener, deferential even to the youngest members of the bar, deliberate in his judgments, but inflexible in his opinions. Beneath his placid face and gracious demeanor lay an iron will, a resolution that knew no variableness or shadow of turning." His face was a benediction, and a clasp of his hand warmed the heart. At the first session of court after his death, one of the ablest practitioners cited a case rendered by him, and as his eye fell upon the lovable name, brusque man though he was, his voice broke and his eyes filled with tears, as did those of most of the lawyers present.

### A Specialist.

"A specialist who is not one-sided, and pugnaciously so, is rare."—In speaking of the defects of our jury system.

### Jury System.

"The average juror is infinitely better fitted for his particular duties than the average incumbent of many public functions is for those which he has assumed. He can generally have no common hobby, unless it is one which all the community ride, and which carries the bench also. They judge men and conduct by every day standards, and not by abstruse and technical rules. They will usually aim at doing as they would expect others to do by them under like circumstances, so far as the instructions given to them will permit; and in doing so they commend the administration of the law to general approval much more effectually, and obtain for it much more sincere respect, than would be done otherwise."—Defects of the jury system.

## JOHN GRIFFIN CARLISLE, KENTUCKY.

(1835——.)

Secretary of the United States Treasury, and one of the most popular men of his State and Nation. Born a farmer's son, September 5, 1835, in what is now Kenton county, Kentucky; he was educated in the country schools; moved to Covington in 1856, where he taught school; studied law with the late Governor John W. Stevenson, and began practice in 1858. He became a Representative in the Legislature at twenty-five, serving as such several terms; State Senator at thirty-one, resigning in 1871, having been elected Lieutenant Governor; member of Congress at forty-one, being six times re-elected, and three terms Speaker of the House; United States Senator, 1890, and Secretary of the Treasury under President Cleveland, 1893.

Since the great Henry Clay, perhaps, no man has ever so distinguished himself as Speaker of the House as Mr. Carlisle. In this august position, probably the severest test of an American statesman, his readiness and extraordinary judicial discrimination and



discernment enabled him to decide the most abstruse and intricate questions of parliamentary law at once fairly and satisfactorily to the most hypercritical—not one of the many thousands of decisions rendered ever being appealed from. While his political career has been a busy one and commanded a large portion of his time, he has still, as far as possible, continued his identification with his profession. As a lawyer, at the early age of thirty, he rose to the first rank. It is proverbial among those who know him best that his statement of a proposition of law is its argument. His greatest power is his faculty of being able to comprehend at once the salient points of the case. His style is not florid, nor has he any claims of the rhetorician, yet there is a force in his arguments and a persuasiveness in his manner that make him a most powerful advocate before either a court or a jury. Aside from his career as a statesman, he has no superior in Kentucky as a lawyer, pure and simple.

### Money and Business.

"Money does not create business, but business creates a demand for money."—Report on finances, December 20, 1893.

### Bimetallic Standard of Money.

"According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation, and otherwise, from three-sevenths to one-half of the metallic money of the world, is the most gigantic crime of this or any other age."—From speech in Congress, February 21, 1878.

### Voorhees on—As a Financier.

"John G. Carlisle is the peer in intellect and spotless integrity of the illustrious men who have directed the finances of the Government, including Hamilton, and I make no mistake in placing him as a bimetalist."—Daniel W. Voorhees, in Senate, August 22, 1893.

### Tribute to—As Treasurer of the United States.

"I am surprised at the thoroughness with which Mr. Carlisle has grasped all points involved in the management of national finances. He has gone into details, and is thoroughly posted, and therefore wonderfully qualified to meet any emergency."—Lyman J. Gage, the celebrated Chicago banker, May, 1893.

### His Intellectual Qualities.

"Given a question involving much patient investigation, prolonged comparison of statistics and figures, necessitating the digging at the roots of things, and involving a lucid, logical presentation of facts and arguments following these investigations, he was eminent among the men of the House of his generation. He had a marvelous capacity of so setting forth complicated, involved facts that they were received by his associates as a mathematical demonstration when made by the teacher to his pupils. It was the faculty that makes the great lawyer, that would have given Mr. Carlisle the attentive ear of the Supreme Court bench, and his triumphs both in the House and the Senate have been due solely to these high intellectual qualities."—E. Jay Edwards, Nov., 1894, Chautauquan.

### His Power in Argument in Court.

"Mr. Carlisle is a masterly pleader before any bar. Kentucky judges used to look upon his appearance before them as a star attraction instead of wearisome routine of duty, and Kentucky literature has been enriched by his legal career. On one occasion Mr. Carlisle had an important case that the other side was sure of winning. He labored faithfully on his argument, and produced a speech that thrilled all auditors and deeply impressed the bench. The moment he had concluded, the judge ordered court ad-

journed till afternoon. The opposing counsel objected strenuously, pleading it was nowhere near dinner time, and that it was ready and anxious to proceed, but the judge was not to be moved. 'What!' said he, 'spoil the taste of such an argument as that? Never, sir. I mean to enjoy a good thing when I have the chance to. The court will adjourn.'—From Kate Field's Washington.

MATTHEW HALE CARPENTER, WISCONSIN.  
(1824-1881.)

Pronounced by J. S. Black "the finest Constitutional lawyer in the United States." He was born in Moretown, Vermont, December 22, 1824; died in Washington, D. C., February 24, 1881, aged fifty-seven. He commenced reading law with Governor Dillingham at fourteen, having promised to do so when six; tried and won a case at sixteen, receiving a gold ring as a fee; was appointed to West Point at nineteen, where he spent two years; was admitted at twenty-three, but spent six months in Rufus Choate's office, gaining the place by answering a letter from a country lawyer. Choate read it and signed "Rufus Choate, fee \$100," and told the boy to stay. He settled at Beloit, Wisconsin, in 1848, arriving with seventy-five cents and a \$1,000 library, payment for which was guaranteed by Choate, who also supported him during sixteen months of blindness. In 1856 he removed to Milwaukee; was elected to the United States Senate in 1869, and again in 1879. He killed himself by carrying on his enormous practice during his senatorship.

He first became prominent in a Beloit land suit involving several millions, being opposed by Doolittle, Cady and Lincoln, and many suits for Newcomb Cleveland, of New York, against the Milwaukee & La-Crosse Railway. He appeared in the Wm. A. Barstow quo warranto proceedings which removed him from the governorship; represented, at invitation of Secretary Stanton, with Lyman Trumbull, the Government in the great McCardle case, brought to test the validity of the reconstruction act of 1867; successfully defended Belknap, late Secretary of War, before an impeaching Senate, and received a \$10,000 retainer to represent Tilden before the Electoral Commission, a remarkable coincidence, as the Republicans expected to retain him for Hayes.

He was a deep Constitutional lawyer, and a brilliant advocate. He won by tact, clearness, common sense. Had great ability in marshaling facts, skill in analyzing, distinguishing and applying principles. As an orator, was magnetic, witty, fluent; as a lawyer, comprehensive, thorough, untiring.

## Webster and Marshall.

"Of all the judges, English and American, whose opinions are valuable to the student, Chief Justice Marshall stands pre-eminent. I read the argument of Mr. Webster in *Ogden v. Saunders*, upon the constitutionality of state insolvent laws, as reported by Mr. Everett, and before I knew how the case was decided by the Supreme Court of the United States. While reading this argument, I was carried along captive through paragraph after paragraph, from proposition to proposition, and, when I had finished it, I never thought of looking to see how the case was decided, because I would have made my affidavit that Webster's argument was wholly unanswerable, and, of course, must have been decided with him. And when I found, a year or two later, that the court decided the case the other way, I recollect that I lost confidence in human reasoning for the space of ten days. Nothing finally consoled my disappointment except the fact that the great Chief Justice dissented from the decision of the court, and canonized the argument of Mr. Webster. But for this I think I should have concluded that logic was an unsafe guide in the labyrinths of the law; however, I satisfied the wounded pride of my boyish judgment by resolving that Webster and Marshall were greater authority than the rest of mankind combined, and that Webster was right though he did not succeed."—Extract from lecture to law students in Washington, 1870.

## Chief Justice Gibson.

"The opinions of Chief Justice Gibson, thoroughly understood, would make any man a profound lawyer."—Idem.

## English Reports.

"Buy your own State reports, next the New York reports, which will furnish you with ingeniously reasoned cases on every side of every question, and then, to relieve the bewilderment of the inexperienced mind, tossed to and fro by reading New York decisions, you will need the sobering influence and steady support of the Massachusetts reports. Next, and before the reports of other States, I would buy all the English Common Law and Chancery reports, and continue them with the present series, bringing the decisions of the English courts within a few weeks of their actual delivery."—Idem.

## Choate's Friendship.

Rufus Choate, with whom Carpenter spent the greater portion of a year, guaranteed a \$1,000 library which he selected for the young man, upon his removal to Wisconsin, and gave him his fare from Boston to Beloit and the following letter:

"Boston, May 25, 1848.—I have great pleasure in stating that D. M. H. Carpenter, Esquire [these were Carpenter's baptismal initials], is well known to me; that his character is excellent, his talents of a very high order, his legal attainments very great for his



time of life, and that his love of labor and his fondness for his profession insure his success wheresoever he may establish himself. He studied the law in my office for the closing portion of his term, and I part with him with great regret. To the profession and the public I recommend him as worthy of the utmost confidence, honor and patronage.

Rufus Choate, Counsellor at Law."

—Flower's Life of Carpenter, p. 55.

#### Choate Supported Him When Blind.

Soon after Carpenter settled in Beloit, Wisconsin, he was troubled with his eyes, became nearly blind, went to New York city for treatment, and during a period of about sixteen months Choate supported him, paying his expenses in a New York hospital, etc.—Carpenter's Life, p. 66-67.

#### Webster's Argument and Marshall's Opinions.

"Read Webster's arguments in the United States Supreme Court, and then Marshall's opinion in deciding the case, and see how much that you thought unanswerable in the argument found its way into the opinion. Thus you will obtain pure gold, refined by fire."—From lecture to law students in Washington, 1870.

#### Military Life.

"I don't believe a man can ever become great by learning to walk a crack with a stiff neck and his fingers on the seams of his pantaloons."—Said after being one year at West Point.

### His Defense of Belknap.

Carpenter rose to defend Wm. W. Belknap, and announced his plea for the late Secretary of War, who had resigned the office, upon Carpenter's advice, and who was being tried on his impeachment by the Senate, by saying: "Mr. Belknap, a citizen of Iowa, pleads not guilty." This was Mr. Carpenter's defense in a sentence,—that being a citizen of Iowa, and no longer a public officer, the Senate had no jurisdiction.

### Justice Miller's Opinion.

When the exhibit of impeachment was made against W. W. Belknap, Secretary of War, that officer consulted privately with Justice Miller as to who should be engaged as counsel. "Matt. Carpenter and Judge Black," was Miller's reply; "the best lawyers in America."—*Life of Carpenter*, p. 124.

### The Turning Point in His Life—Newcomb Cleveland.

Mr. Carpenter often said that "circumstances make men," and as an illustration frequently related how he got his start. Some three years after he settled in Beloit, Wisconsin, to practice law, the public became very much agitated over license or no license of the saloons. There being a college in the town, the faculty took strong ground against the license. At this juncture young Carpenter was called upon to address the people in favor of license at the town hall. The evening the speech was made Newcomb Cleveland of New York, the many times millionaire, came into Be-

loit to look after his railroad interests in that State as to the construction of the Milwaukee & LaCrosse Railroad. The company had employed all the leading lawyers of Milwaukee to represent their side. While Mr. Cleveland was strolling around town he asked the clerk of the hotel if there was anything going on that evening which would be of interest to hear. He was told nothing, except that a young lawyer was to speak at the town hall on the license question. Mr. Cleveland, for want of something better, strolled in to hear him. About two years later, Carpenter sat in his office reading a magazine, when Mr. Cleveland stepped into his office and asked if he was Mr. Carpenter. Being told that he was, Mr. Cleveland told him he wanted him to look after his railroad interests in that State; that he would pay him \$6,000 a year, and wanted him to move to Milwaukee at once; that the litigation would probably take ten years; and that he should retain no one else. Young Carpenter accepted, a contract was drawn, and Mr. Carpenter moved forthwith to Milwaukee with his family and entered upon his work. About eight years were consumed in the various legal contests for Mr. Cleveland's interests in the State and Federal courts, and Mr. Carpenter added, "If it had not been for that little speech on the license question I probably would have continued in Beloit for some years, perhaps during the remainder of my life. If I had remained there I never should have been Senator. Cleveland brought me into a wider field, and then I

studied as no man ever studied before to carry his litigation through successfully. The license speech was the turning point of my life and made me all I am."—*Flower's Life of Carpenter*, p. 79.

#### Chase's Tribute.

Chief Justice Chase said, when Carpenter in a dress-suit argued the McCardle case. "That young man talks bad law in better style than any man I ever heard in this court."

For Wm. M. Meredith's tribute to him and his brief in the McCardle case, see "Meredith."

#### Stanton Retained Him in the McCardle Case.

Secretary Stanton retained him, giving him a \$5,000 retainer in the McCardle case, and when he had finished his argument threw his arms around him and exclaimed, "Carpenter, you have saved us!"

#### Received a \$10,000 Retainer for Tilden.

In 1877 Zach. Chandler, of Michigan, went to retain Carpenter on behalf of Hayes. Being asked what he would charge to appear for Hayes, he replied, \$10,000. Chandler left saying he would consult the committee and let him know. In a day or two Mr. Tilden's friends came to see him to represent their side. Mr. Carpenter said he had been consulted by the other side and did not feel at liberty at that time to accept a retainer, but added that he would let them

know in a couple of days, as he had not yet been retained. He then dropped Chandler a line, and hearing nothing, upon the return of the Tilden committee, said he was at liberty to appear for Tilden, as he had no reply from the other side. Ten thousand dollars, as a retainer, was paid him at once, and he began to prepare for the great struggle. The day following, Mr. Chandler returned and said that they had decided to retain him. "I am very sorry," said Mr. Carpenter, "but I am retained by the other side."

#### Taking the Unpopular Side of a Case.

In connection with the Hayes-Tilden contest, Carpenter was severely criticised for appearing for Tilden, but he answered he was in the practice of the law to make a living and not for politics. The newspaper strictures so annoyed his wife that she wrote him she wished he could engage in causes that would please the newspapers. He replied: "While I live and have my health, I must walk the mountain ranges of the profession, swept by the storm of human hate and passion. Neither self-respect nor my love for you will permit me to seek the obscurity and consequent shelter of deep valleys and smooth meadows."—*Life*, p. 126.

#### His Care in Briefing Cases.

"In drawing up the most ordinary brief, Carpenter was never satisfied with the words he had first written, but kept continually working out, through

the dictionaries or the works of standard authors, the most certain and exact shades of meaning which he desired to express."—Jonas M. Bundy, editor of New York Post and Mail, in a letter of Sep. 10, 1883.

#### The Babcock Whisky Cases.

In the defense of the whisky cases in the United States Circuit, in 1875, Carpenter tried "to pass by" Judge Drummond, figuratively speaking, to address the jury. The judge stopped him. When asked why he attempted it, he said: "All the law was against me, public opinion was against me, the press was against me, the Court was against me, my clients were as guilty as Cain, so what could I do? My only possible chance was to get by the judge and at the jury."—Carpenter's Life, p. 136.

#### Office Fired Because He Opposed the Railroads.

Carpenter's office was fired because of the strong stand he took against corporate power, especially in upholding the Potter law in 1869 against the opinions of Wm. M. Evarts, Charles O'Connor, E. Rockwell Hoar and Benjamin R. Curtis.—Carpenter's Life, p. 155.

#### Judge Grier's Opinion of Carpenter.

After his first argument in the United States Supreme Court in 1862, Judge Grier told the clerk that he was as good an orator as Clay ever was, and that he had heard all the great lawyers of the country, and

to Judge Miller in the cloak-room, said: "I have never listened to a better argument; and have heard nothing equal to his effort today since Mr. Webster was before us."—*Life of Carpenter*, p. 172.

#### Briefed Cases in Baggage-Car.

"His most remarkable trait," said Justice Miller, "was industry." He used to take the night train for the interior of the State, after hard work all day in his office, for a trial the next day, and he generally asked for a chair and table and sat in the baggage-car, where he would work for hours oblivious of the rattle of the cars or the surroundings.—*Id.* p. 178.

#### "Young Lion of the West."

Upon his second election to the United States Senate in 1875, George W. Peck, of Peck's Milwaukee Sun, gave him the sobriquet of the "Young Lion of the West," which was his popular nickname till his death.—*Id.* p. 290.

#### Independent Party Between Right and Wrong.

"If the Republican party is right and the Democratic party is wrong, where must be the Independent party? It is between right and wrong."—Said Carpenter in the Hayes campaign, 1876.

#### Justice.

"In this cruel world justice is sometimes kindness."—*Id.* 377,

## Webster and Choate His Ideals.

While yet a youth he used frequently to say that he preferred a single feather from the plume Webster and Choate wore to all the wealth which human hands could acquire.—Id. p. 182.

## Cushing's Description of His Coming Into Court.

Caleb Cushing once said to Henry Wilson as he saw Carpenter entering the Senate, his coat and vest unbuttoned on account of the excessive heat, a bundle of papers and a volume of reports in one hand, and a large palm-leaf fan in the other: "I do love to watch the entry of that man into court; he comes in with such a sunshiny smile, such a boyish indifference of step, and such a roguish twinkle of the eyes, as seems to say, 'Now, listen while I have some sport with these old codgers.'"—Id. 169.

## His Son Paul's Telegram.

When Carpenter was elected a second time, in 1879, to the Senate, after his protracted struggle, among other telegrams received was one from his son, Paul, then ten years old: "Dear, splendid, papa: Mama and I send love and congratulations."—Id. 331.

## Was Poor Till Fourteen.

"Before I was fourteen years of age I never saw a carpet, a sofa, or a piano."—From speech in Janesville, 1873, in defense of his vote in favor of the "Salary Grab Bill."



## Whitelaw Reid.

"Whitelaw Reid is a fop and frivolous pretender, of whom a contemporary review recently said: 'Whitelaw Reid was seen on the streets again yesterday with men's clothes on. Where's the police?'"—Speaking of the power of the press in Senate in 1881: *Id.* 377.

## Reply to Senator Hoar.

Senator Windom of the session of the Senate in 1879 moved a resolution looking to the establishment of a department of agriculture and commerce. Carpenter asked if there was a lawyer in the Senate who could point out what clause of the Constitution afforded power to establish any such department. Senator Hoar asked if other things had not been done without the permission of the Constitution. Carpenter replied: "It is a very easy thing to justify any action that Congress may want to take, if it is a sufficient justification to say that Congress has done such a thing. I do not know where would be the limit of our power, if we could first do a thing, and then next day justify the action because we did it the day before."—*Id.* 429.

## Self-Government.

"The last hope of man in the experiment of self-government is with us; we are, even today, with all the difficulties we have to contend against, holding

the lamp of liberty a little higher and shedding its light a little clearer on the face of the world than any other nation. Yet we are in our infancy, not only in years, but in opportunities and capacities."—From speech in New Orleans when Carpenter went there to investigate election frauds: Id. 462.

#### His Library and Cost to Live as Senator.

"I have 5,000 volumes of law books and about 6,000 volumes of political and literary works. \* \* \* In just three causes in the Supreme Court last year (1872), which I prepared for argument during the summer at home, I received \$10,500 in cash. That was the reason that I was able to get through the year, as my offices and house rent, insurance premiums [\$1,000 paid on books, and he carried \$50,000 on his life, costing yearly in premiums \$1,400], amounted to \$6,550, not including living, clothes, books, doctor bills, charities, etc."—Extract from same speech: Id. 471.

#### Tantalizing With Reconstruction.

The cowardice of Congress in dealing with Johnson and reconstruction was characterized and likened by him to cutting off a dog's tail, in the following: "If I were going, even, to cut a dog's tail off, I would cut it off at once, and have done with it. The congressional plan is to cut off two or three inches every two or three days, and thus keep the cur yelping and snapping forever."—Id. 484,

## His Generosity.

It was a habit with Carpenter to take a ragged urchin to a store, buy him a new hat, handkerchief, shoes or stockings, and he thus has sent home hundreds rejoicing. He very frequently gave a beggar girl \$10, and tried cases for nothing where parties were unable to pay.

## Eight Thousand Dollars for His Briefs—Congress.

He had a collection of all the briefs, arguments, etc., presented to the attention of the Supreme Court of the United States since its organization. These were bound, and, as the only other similar collection extant belonged to the Philadelphia Law Library, were considered so valuable that after his death Congress set aside \$8,000 for their purchase as an addition to the Congressional Library.—Id. 513.

## Child Half White—Joke on Ryan.

Carpenter, to get a joke on Ryan, had it reported that the wife of one of their distinguished clients had had born to her a child that was half white. He expressed a desire that Ryan should keep it out of the newspapers. Ryan broached the subject to the father of the child. Amid great embarrassment he learned that the child was a perfect Caucasian in color. Returning in a rage, Carpenter remarked: "I supposed you knew the other half of the child was white, too."—Id. 557.

## Shakespeare and the Bible.

His favorite volumes were Shakespeare and the Bible, which, he said, were all the library a man needed.—Id. 514.

## Loves and Friendships.

"The loves and friendships of individuals partake of the frail character of human life; are brief and uncertain. The experiences of a human life may be shortly summed up: A little loving and a good deal of sorrowing; some bright hopes and many bitter disappointments; some gorgeous Thursdays, when the skies are bright and the heavens blue, when Providence, bending over us in blessings, glads the heart almost to madness; many dismal Fridays, when the smoke of torment beclouds the mind and undying sorrows gnaw upon the heart; some high ambitions and many Waterloo defeats, until the heart becomes like a charnel house filled with dead affections, embalmed in holy, but sorrowful memories; and then the 'silver chord is loosed,' the 'golden bowl is broken,' the individual life—a cloud, a vapor—passeth away." —Speech in Reception of the Grand Duke Alexis, 1871.

**JAMES COOLIDGE CARTER, NEW YORK.**

(1827——.)

James C. Carter is, by the general consent of the New York bar, spoken of as the leader of the profession. This title has not been accorded so generally to any man since the death of Charles O'Connor, with whom Mr. Carter was associated in several important litigations, especially in the great *Jumel* case, which they carried, after years of labor under extraordinary difficulties, to a brilliant termination. Mr. Carter was born in Lancaster, Massachusetts, October 14, 1827, and is a graduate of Harvard college. He is a gentleman of fine appearance, of courtly manners and of impressive speech. His main superiority consists in his broad and philosophical view of the law. In his arguments he prefers to seek the fountain rather than to follow the streamlets. He builds upon the broadest and strongest foundations, and it may generally be said of him, as was said of Mr. Calhoun, that if you grant his premises you are bound to accept his conclusions. Although he has had considerable suc-

cess as a jury lawyer, his main excellence has been in great arguments before the Court of Appeals and the Supreme Court of the United States. Though defeated by a closely divided court in the great Tilden will case, his argument in that celebrated litigation does him great honor. He was of counsel for the United States in the Behring sea case, and his eight-day argument elicited great commendation. It was masterly in its generalization, in its philosophy, in its breadth and in the high tone which prevailed throughout. The president of the tribunal commended it in terms of deserved eulogy. His practice has been for many years very large. He was made president of the American Bar Association in 1894. Since the death of his former partner, Mr. Henry J. Scudder, in 1886, with whom he was associated for thirty-three years, Mr. Ledyard, a grandson of General Cass, has been associated with him. Mr. Carter is sixty-seven years of age, a bachelor, and retains, to all appearances, his old-time vigor and earnestness, and is greatly esteemed by his associates.

**Reform in Law.**

"But we do know that all reform and progress in the law consists in lifting up the actual system which we administer into a more perfect harmony with the ideal of conception."—Extract from an Address on "The Ideal and the Actual Law," delivered before the American Bar Association, 1890.

**An Advocate.**

"Mr. Carter, the greatest lawyer in New York, and probably the greatest in all our country, is essentially an advocate."—March-April American Law Review, 1894.

**Does His Briefing at Home.**

Mr. Carter is a difficult man to find in his office on Wall street, as he does all his briefing at his elegant home, at 277 Lexington avenue, New York.

**Unostentatious But Kindly.**

He is a very modest, unassuming man. Upon one occasion, it is related that a very wealthy lady client, in the vicissitudes of life, lost all of this world's goods. A public sale of her effects took place in New York city, and among other things to go was a fine span of horses and the family carriage, which had been prized by her for years. At the sale Mr. Carter had a friend buy in the turnout at something like \$600 or \$700, and turned it over to the lady, but she never knew who was her benefactor.

## SALMON PORTLAND CHASE, OHIO.

(1808-1873.)

Born at Cornish, New Hampshire, January 13, 1808; died at New York May 7, 1873, aged sixty-five. Graduated at Dartmouth college with respectable rank. Subsequently taught school and studied law simultaneously, the latter in the office of William Wirt, at Washington, where, when twenty-one, he was admitted to the bar, immediately after which he removed to Cincinnati. In his early practice he compiled "Chase's Statutes of Ohio," a work of tremendous labor and patience. Moved apparently by outrages of which he was an eye-witness, he early became identified with the anti-slavery movement in Ohio, appearing as counsel for them until he gained the sobriquet, "Attorney General for Runaway Negroes." In 1849 he was elected to the United States Senate; 1855, was made Governor of Ohio, and re-elected in 1857. Again elected to United States Senate, 1860, resigning to become Lincoln's Secretary of the Treasury, a post which he filled until December 6, 1864, when Mr. Lincoln nominated him Chief Jus-



tice of the Supreme Court, a nomination immediately confirmed by the Senate without even referring it. He continued Chief Justice until his death.

Chase's whole being, capable of great moral force, was bound up in the anti-slavery struggle. His services to that cause were of great and overwhelming importance. His conduct of the Treasury it is easy to criticise, but the fact remains that he accomplished his immediate object and provided funds for the most expensive war the world has ever known. He was a born organizer and administrator. Called to the highest judicial position, almost by universal acclaim, it may be questioned whether his previous training or natural powers of mind were those of a great lawyer. He presided with dignity at the impeachment of President Johnson, but his powers, physical and mental, had been shattered by the stress of troublous times. Of the minor moralities he was conventionally observant, but he had great courage in pursuing the path of duty when he clearly perceived it.

## John Randolph.

"John Randolph has been everything by starts, and nothing, long; who opposed Jefferson, Madison and Monroe; who is an aristocrat at heart and disordered in intellect; the scorn of the wise, the laughing stock of the gay and the abhorrence of the good."—Shucker's *Life of Chase*, p. 28. Written at twenty years of age.

## Power of Courts.

"Judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the law confers."—*Ex Parte McCordle*, Wallace, 155.

## Indestructible Union.

"The Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States."—*Texas v. White*, 7 Wallace, 725.

## Reading.

"The knowledge obtained by bare reading is of little value. Books must be meditated and talked to be understood and converted into mental aliment."—Shucker's *Life of Chase*, p. 30.

## Congress and Slaves.

"Congress has no more power to make a slave than to make a king."—In the "Free Soilers'" platform of 1848, drawn by Chase.

### The Fugitive Slave Law.

"The fugitive slave law punishes humanity as a crime, authorizes seizure without process, trial without a jury, and consignment to slavery beyond the limits of the United States without opportunity of defense, and upon *ex parte* testimony."—From a speech in opposition to the law in the United States Senate, 1850.

### Education of Youth by State.

"No safer, no more remunerative investment of revenue is made by the State than in the instruction of the youth."

—From a Letter to the Ohio State Teachers' Association, 1858.

### Modest and Frank.

He was extremely modest and frank. Thus he would not accept several thousand dollars made by his broker's gambling in stocks (but this was on account of a resolve when a young man never to speculate); nor would he accept a handsome house and grounds which Baltimore friends proposed to present him; nor would he take credit for a \$5,000 contribution to the Metropolitan M. E. church at Washington, but wrote after his signature, "paid through the liberality of David Drew."

### Would Not Transact Business With Women.

He said no amount of statement or explanation was sufficient to convince a woman that to grant any particular request was either inexpedient or impossible. He therefore had an inflexible rule never to transact business with ladies. On one occasion a very handsome woman, the wife of an old acquaintance, vowed she would make him receive her, and after twice being refused admittance rushed by the guard and asked if she might have an interview. Chase replied, "No." She burst into tears, and he followed her out, explained the necessity of the rule and heard her out, but did not invite her into his office.

### Failed in Teaching.

He was dismissed from his first school at Roxbury, New Hampshire, then but sixteen, and teaching at \$8.00 per month and boarding around, after two weeks' trial, as he failed to govern the school.—*Shucker's Life of Chase*, p. 189.

### His Uncle's Reply to His Request for a Clerkship in the Departments.

He failed in his efforts to establish a classical school in Washington, and applied to his uncle, Dudley Chase, for a clerkship in the departments and received this reply: "I once procured an office for a nephew of mine, and he was ruined by it. I then determined I never would ask for another. I will lend

you fifty cents with which to buy a spade; but I cannot help you to a clerkship."—*Idem*, 23.

### His Ability as a Lawyer.

He was eminently successful as a lawyer. When he was elected to the Senate in 1849, if he was not at the head of the bar, he assuredly was second to no member of his profession in the West. He was not gifted as an orator; his utterance was somewhat thick and his manner lacked in grace; but he was a skillful and successful advocate all the same, for he never went into court without thoroughly knowing his case, at any rate as thoroughly as it was possible to know it, in all its aspects, legal and other. It was his habit to brief his adversary's case as carefully as his own in all important causes. From an early period in his professional career, his practice was confined to the Supreme Court of the State and of the United States."—*Shucker's Life*, p. 613.

### Live "Unspotted."

At a social gathering during the war, a naval officer present said he had a little property which the tax gatherers had not yet spotted. Turning to Chase he said: "I do not know whether I ought to let things go that way or not. What would you do about it?" The Secretary's eyes twinkled as he answered: "I think it is the duty of every man to live 'unspotted' as long as he can."—*Splinters*.

## Democracy Should Protect All.

"In a democracy, which recognizes no classes and no privileges, every man must be protected in his just rights, or no man can be, by law."—Said in 1845, in accepting a testimonial from the colored people of Cincinnati, O., for defending Samuel Watson, a fugitive slave.

## Lincoln's Opinion.

"Of all the great men I have ever known Chase is equal to about one and half of the best of them."—A. Lincoln: Shucker's Life, p. 488.

## Read Law With Wirt.

He read law with William Wirt and held him to be a hero.

## His Manner and Appearance.

"Chase's character was grave, serious, serene. He had little or no sense of humor, and, as his biographers have said, never told a story but to spoil it. He took life seriously and with a certain severity of consciousness which to many seemed excessive Puritanism. He was methodical, systematic, a rigid disciplinarian, punctilious in regard to all the forms of official and social intercourse, and he exacted of every subordinate the same loyalty to duty and the

same exactness of statement which he himself rendered as a matter of conscience and of habit. His personal appearance was majestic and noble. His commanding figure, six feet two inches high, was admirably proportioned. His head was massive; his face wore an impress of dignity which was sometimes awful. He lacked the magnetism of Henry Clay and the god-like majesty of Daniel Webster; but none who ever saw his towering form moving through the corridors of the Treasury Department or clad in the robes of the Chief Justice can ever forget the almost oracular appearance which inspired the veneration and respect of those who looked upon his figure or heard the slow, calm utterances of his voice. He was respected, even venerated, but he was never popular in the sense with which Americans use that word. His friends were devoted to his fortunes, but they were not reckoned as Clay and Webster reckoned theirs—by hosts. His tastes were simple, his habits domestic, and his private and public character stainless.”—Noah Brooks’ “Men of Achievement,” p. 174.

#### His Will Power.

Demarest Loyd, soon after the death of the Chief Justice, wrote in the *Atlantic Monthly*: “His will was his great power. This faculty in him probably more than any other contributed to his success. It was dominating and indomitable. It yielded to no man and to no force. Its persistency was measured only

by the length of the task to be accomplished, and its firmness increased with the weight of interest that depended upon it; and while it no doubt shortened his life, it again prolonged it. All through these exciting and arduous periods he held himself firmly to his post. Then came the first shock that prostrated him, and first set the term beyond which he could hardly endure; at this the will turned to repair its own ravages."

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## JOSEPH HODGES CHOATE, NEW YORK.

(1832 —.)

Joseph H. Choate, one of the leading lawyers of the city of New York and of the United States, is a nephew of the late Rufus Choate, the most eloquent lawyer of America in his day. Mr. Choate is now sixty-two years of age, having been born in Salem, Massachusetts, January 24, 1832. He is a man of unusually fine presence, and is conspicuous as the leading jury lawyer of New York, and the representative trial lawyer of the American bar. He has not the fire and eloquence of some other men that might be mentioned, such as William A. Beach, Colonel Ingersoll, or Bourke Cochran. On the contrary, he always holds himself under perfect control, and is especially noticeable for the keenness of his satire and the quality of his humor. He carries great weight with juries, and no man is more successful in wresting verdicts from them than he. He is also very able before the courts in banc, and has been counsel in many of the most important litigations of the day. His career has been one of uninterrupted success. With

the possible exception of James C. Carter, he has no superior as a general practitioner. His clientage is very large, and he is employed, on one side or the other, of the most important cases. His fees as counsel are said to amount to not less than \$80,000 per year. He has never occupied public office, although he could, no doubt, during the Republican administrations, have been promoted to high position on the bench. He was elected in the fall of 1893 to the Constitutional Commission, of which he was chairman, and took a leading part in the important debates had in that body. He was for many years associated with William M. Evarts, and is now the head of the firm, since that eminent lawyer has substantially retired from practice. The firm name is still, as it has been for many years, Evarts, Choate and Beaman. Mr. Choate is a graduate of Harvard, is a fine general scholar, and has long been in the front rank of excellence as an after-dinner speaker.

#### Not Enough of Him to Go Around.

"It would be a considerable relief to an earnest and deserving metropolitan community if one or two

new duplicate editions could be issued of the Hon. Joseph Choate. There seems not to be enough of Mr. Choate to go around. It is not pretended that he has lost any of his strength or savor, or that a little of him will not go quite as far as formerly. There is no trouble about the individual at all. The prevailing scarcity of him is not due to any failure of the supply, but merely to an increased demand. It has come to pass when if anything is afoot that calls for an exceptional combination of readiness of wit, sagacity, gumption, discernment, and knowledge, a flavor of Choate is considered all but indispensable."—New York Daily paper, upon the occasion of Mr. Choate's being sought by the Lexow committee as counsel.

#### Law.

"Law is the expression and the perfection of common sense."—Extract from Address on the Death of Chief Justice Waite, at meeting of New York Bar, 1888.

#### The Representative Lawyer of the American Bar.

"He is admittedly the representative trial lawyer of the American bar, whose fees as counsel amount to not less than \$80,000 per year."—November, 1893, American Lawyer.

#### Five Hundred Dollars for Going into Court.

It is said that Mr. Choate will not go into court for less than \$500, no matter how small the fraction of a day consumed.

## RUFUS CHOATE, MASSACHUSETTS.

(1799-1859.)

Perhaps the greatest, certainly the most characteristic, of American advocates. Born in Ipswich, now Essex, Massachusetts, October 1, 1799; died July 13, 1859, aged fifty-nine. Graduated at Dartmouth at twenty. Studied law with Wirt and others. Admitted to the bar in Massachusetts at twenty-four. Practiced in South Danvers and Salem. In 1825, married. Prosecuted the Knapp case at thirty-one; elected to Congress at thirty-two; re-elected at thirty-four, but resigned and moved to Boston. Served out Mr. Webster's unexpired term in the Senate at forty-two. In 1846 argued before the United States Supreme Court the Rhode Island and Massachusetts boundary case and made his surprising and successful defense of Tirrell for murder. Declined a United States Supreme Court judgeship in 1851. In 1857 argued the Dalton divorce case.

His greatest fee was \$2,500, and his largest yearly income \$23,000. He was a great master of English speech, his vocabulary consisting of 11,693 words.

Was also a fine Latin, Greek, German and French scholar, and a unique, brilliant, fascinating and indescribable orator. Whoever tried to break the chain of his logical, graceful imagery was sure to find links of steel beneath the garland of flowers. "He had reason impelled by passion, sustained by legal learning, and adorned by fancy," says Webster. Of his political and Fourth of July orations, his speeches in Congress, his lectures and occasional addresses,—even of his intense and earnest patriotism and pride of being an American, still less of his beautiful private life and character, nothing can here be said. He occupies a unique position, won by his powerful and peculiar genius. That which pre-eminently distinguished him was his tendency and power to idealize his clients and their cause. If in the sheer force of his understanding Webster was greater, he had no share in those graceful qualities of mind and art which Choate so conspicuously displayed; while as an acute and subtle dialectician, Webster nor any other ever approached him.

### Joined to No Party.

"We join ourselves to no party that does not carry the flag and keep step to the music of the Union."—Letter to the Whig Convention.

### Glittering Generalities.

"Its constitution the glittering and sounding generalities of natural right which make up the Declaration of Independence."—Letter to Maine Whig Committee, 1856.

### Devotion to Woman.

"With our sisters of the Republic, less or more, we would live and we would die—one hope, one lot, one life, one glory."

### Woman's Frown.

"Woman's frown can disappoint the proudest aim."

### His Egotism.

"If I live, all blockheads which are shaken at certain mental peculiarities shall know and feel a reasoner, a lawyer and a man of business."—From Journal of Readings and Actions, 1844.

### The State.

"The grandest of the works of man, grander than the pyramids, or Iliads, or systems of the stars, is the State."

## Burke, the Fourth Englishman.

"Mind that Burke is the fourth Englishman—Shakespeare, Bacon, Milton, Burke. No Englishman or countryman of ours has the least appreciation of Burke. Out of Burke might be cut fifty Mackintoshes, 175 Macauleys, 40 Jeffreys and 250 Sir Robert Peels; and leave him greater than Pitt and Fox together."—From a Letter to Charles Sumner, probably in 1844.

## Neutrality.

"Neutrality in any sharp civil dissension is cowardly, immoral and disreputable."

## Naturally.

"We do nothing naturally. Naturally a man would walk down Washington street with his pantaloons off."—Said to opposing counsel who said prisoner's actions were not natural.

"The Most Eloquent of Our Jurists and the Greatest Jurist of our Orators."

"Rufus Choate was all impetuosity, pouring out torrents of exquisite thought and brilliant language in utter disregard of the length of his sentences or the vehemence of his gesticulation. One might say of him as Cicero said of Scaevola, 'Juris peritorum eloquentissimus, eloquentium, jurisperitissimus.' (He was certainly the most eloquent of our jurists and the greatest jurist of our orators.)"—R. C. Winthrop.

## Method of Legal Study.

"I am able to find one or two hours a day for legal reading, beyond and beside cases already under investigation. I have adopted the plan of taking a volume of Massachusetts Reports and of making a full brief of my argument on every question in every case, examining all the authorities, and carefully composing an argument, as well reasoned, as well expressed, as if I were going tomorrow to submit it to a bench of the first jurists (and the plan was carried down to the end of his life). At the completion of each argument I arrange the propositions investigated in my legal Common Place book and index them. In preparing the brief law, logic and eloquence must be studied and blended together."—From Journal of Readings and Actions, 1843.

## The Lawyer's Vacation.

He said he was going to write a book. When asked upon what subject it was to be, said: "I've got as far as the title page and a motto. The subject is 'The Lawyer's Vacation,' and the motto I have forgotten. But I shall show that the lawyer's vacation is the space between the question put to a witness and his answer."

## Opinion of Webster.

"Had reason, impelled by passion, sustained by legal learning and adorned by fancy."—Daniel Webster.



### Refused Position on Supreme Bench.

Choate was offered an Associate Justiceship on the United States Supreme Bench in 1851, but declined the honor.—Harvey's Rem., p. 235.

### Flashed a Remark Upon You.

"In a minute's conversation he condensed what could have been obtained from no other celebrities of Boston in an hour's discourse. He appeared, flashed on you a remark, and then disappeared to his work. Yet more persons knew him and talked about him than knew or talked about any other eminent Bostonian."—E. C. Whipple, "Recollections of Eminent Men," p. 26.

### Choate and Pinkney.

"Choate is the only American who has equaled Pinkney as a lawyer and an advocate, and he surpasses him. In the past it was asked how near Pinkney is he? In the future it will be 'How near Choate?'"—Daniel Webster.

### The Great Things in Nature.

"Nature herself will have no great things hastily formed; in the direct path to all beautiful and conspicuous achievements she heaps up difficulty; to the largest animal she appoints the longest sleep in the parent womb."—From His Journal of Readings and Actions.

## His Income.

While in partnership with his son-in-law, who did the mechanical work, for ten years, his average annual income was \$13,000, and one year reached as high as \$23,000. The most he ever received for one case was \$2,500.

## Proving a Negative.

A vessel insured was prohibited to go north of the Okhotsk sea. Within a year—the length of the policy—she was burned north of the sea proper, but south of some of the sea's gulfs. Defendant set up, no loss within the policy. On the way to the courthouse Choate said, in answer to his associate's anxieties as to how they could win, as they were for plaintiff, "Why should we prove we were not north of that sea; why not let them prove that we were?" The mate was put on to prove the burning at a certain time within the year. No cross-examination followed, and the plaintiff rested. The defendant was dumbfounded. Had no witnesses ready. They expected plaintiff would consume two days. The case lasted one hour and Choate won.—Reed's "Conduct of Litigation," p. 150.

## Carry the Jury at All Hazards.

"Carry the jury at all hazards; move heaven and earth to carry the jury, and then fight it out with the judges on the law questions as best you can."—Mathews, "Getting On, etc.," p. 74.

### Personal Appearance.

"About six feet in height with a powerful chest and shoulders, a giant frame, huge hands and feet; a rolling, lumbering sort of gait; a bilious, coffee-colored complexion; his face deeply corrugated with profound wrinkles and hollows, and seamed with powerful lines; his head deep rather than wide, and completely covered with luxuriant black curly hair, scarcely tinged with gray at the day of his death; mouth large, and lips thin and tremulous; his eyes large, deep set and black, with a weird, far-away expression in quiet, but a terrible burning intensity in excitement; a face noticeable in a throng of a thousand, with intellect looking out at every point; a most haggard, woe-begone, fortune-telling countenance; his person arrayed in slouching, ill-fitting garments, including always several coats of various and indescribable hues, which he doffed or donned in the progress of a cause according to the amount of perspiration which he was secreting, and a cravat which has been said to meet in an indescribable tie, which seems like a fortuitous concurrence of original atoms."—Irving Browne's "Short Studies of Great Lawyers," pp. 361-2.

### Declined a Massachusetts Supreme Judgeship.

In 1849 he was tendered a Massachusetts Supreme Judgeship, but declined.—Choate's Life, by Brown, p. 188.

### Manner Before a Jury.

"When addressing a jury his whole frame was charged with electricity, and literally quivered with emotion. The perspiration stood in drops even upon the hairs of his head; and he reminded one of the pythoness upon her tripod. Sometimes he was so much racked and exhausted by a forensic speech that he could hardly stagger, without aid, to his carriage; and often, though he had an iron frame, he would be tormented with sick headache, to which he was all his days a martyr, for several days afterward."—Mathews, "Oratory and Orators," p. 367-8.

### Living On the By-Laws.

He labored incessantly without regard to his physical constitution. When blamed for thus endangering his constitution, he answered: "Good heavens, my dear fellow! my constitution was all gone years ago, and I'm living on the by-laws."—Mathews' *Getting on in the World*, p. 265.

### Bring on the Next—The Baptist Minister Comparison.

"I sometimes feel," he remarked to a legal friend, "when a case has gone against me, like the Baptist minister who was baptizing in winter a crowd of converts through a large hole in the ice. One brother—Jones, I think—disappeared after immersion and did not reappear; probably drifted ten or fifteen feet from

the hole, and was vainly gasping under ice as many inches thick. After pausing a few minutes, the minister said: 'Brother Jones has evidently gone to kingdom come; bring on the next.' Now, I am not unfeeling, but after all has been done for a client that I can do—and I never spare myself in advancing his legal rights—the only thing left for me is to dismiss the case from my mind, and to say with my Baptist brother, 'Bring on the next.'—Whipple's "Recollections of Eminent Men," p. 57.

#### A Suggestive Diction.

"You don't want a diction gathered from the newspapers, caught from the air, common and unsuggestive; but you want one whose every word is full-freighted with suggestion, with beauty and power."—Said by Choate.

## SIR EDWARD CLARKE, ENGLAND.

(1841 —.)

Late Solicitor General of England, a position which pays a salary of \$30,000. He was born in Cheapside, London, in 1841. He is the son of a jeweler, became a student of Lincoln's Inn at twenty and was called to the bar at twenty-three. Here he had a hard struggle and determined to abandon the bar, but an opportunity opened. He is strictly a self-made man. Was made Queen's counsel in 1880, and two years later a bencher of his inn; elected a Conservative member of Parliament for Southwark a few weeks before the dissolution of 1880; made Solicitor General in 1886, and received the honor of Knighthood; was elected to Parliament for Plymouth in 1885, which he still represents in the House of Commons.

His first professional success was made in 1877 in the Penge Mystery, in defense of Patrick Staunton. Other noted cases are: The defense of the only one cleared of the "Five Detectives," for conspiracy and fraud; *Reg. v. Bartlett* in 1886, successfully defend-

ing Mrs. Bartlett for the alleged chloroforming of her husband; *Alleard v. Skinner* (Law Reports, 36 Chancery Division, 145) in the successful defense of Mrs. Skinner, charged with unduly influencing the disposition of plaintiff's property, in which the judgment and Mr. Clarke's speech (being printed separately), form a monograph on the modern law of "undue influence;" the defense of Lord Salisbury in the libel suit recently brought by O'Brien, member of Parliament.

He is the author of the standard treatise on the law of Extradition; is one of the most brilliant lawyers in Parliament, and in recent years has been one of the most successful verdict getters at the English bar. He is one of the great common law lawyers of that kingdom, and is perhaps the only counsel who can face Sir Charles Russell with success. Like Sir Richard Webster, he has a fine musical taste. Is imperturbable in demeanor, trenchant in style, effective in delivery and endowed with a genius for patient effort.

## Late Salary and Fees.

Mr. Clarke was late Solicitor General of England, a position which pays annually \$30,000, besides as much more approximately in fees.

## Courteous.

The late Solicitor General is a very courteous gentleman. A gentleman of Cincinnati, Ohio, related to the author a little circumstance—a pleasant remembrance of Mr. Clarke. He said that he and a friend were in London, debating how they should get through the Houses of Parliament, when a gentleman approached them, seeing they evidently were strangers, and kindly took them through both Houses of Parliament, spent much time with them, and when they had made the rounds insisted, and would have it no other way, that they go with him and have dinner, which he paid for, and made them entirely at ease every minute while they were with him. The gentleman, although an entire stranger to them, was the late Solicitor General of England.



## HENRY CLAY, KENTUCKY.

(1777-1852.)

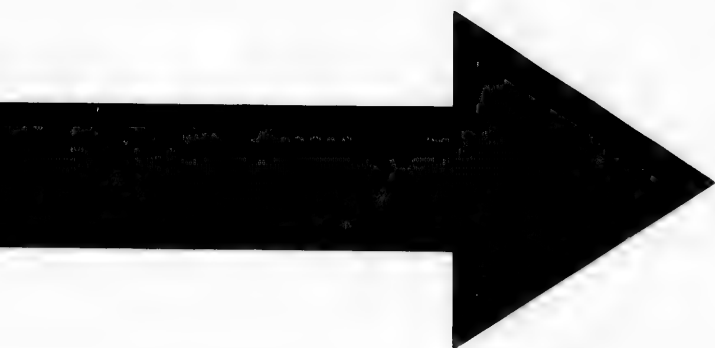
"The Great Pacificator." Stands pre-eminent as America's most consummate parliamentary orator. Born April 12, 1777, in the "Slashes," Hanover county, Virginia; died in Washington, June 29, 1852, aged seventy-five. Was one of seven children of an impecunious Baptist minister, who died when the son was four. Three years in a floorless, windowless, log school house, a year in a grocery at fourteen, four years copying and law-reading with Chancellor Wythe (with whom had read Jefferson and Marshall), a year in Robert Brooke's office, the Attorney General, make up his youthful education. Settled in Lexington, Kentucky, at twenty. Became famous as a criminal lawyer, clearing, among others, Aaron Burr. Was first to make use of "temporary delirium" as ground of defense.

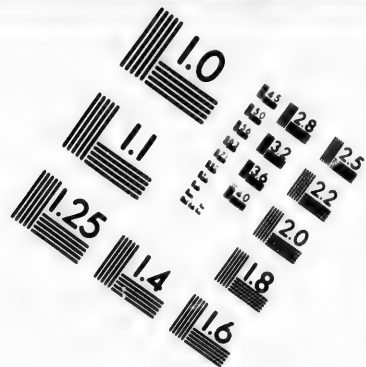
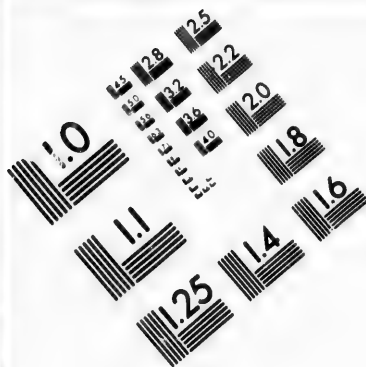
It is said: "No murderer defended by him was ever sentenced to death, and every criminal's life entrusted to his care was insured, whatever the degree of his guilt." Upon entering the United States

Senate, nearly four months before thirty, his clients gave him \$3,000 to attend their cases in the United States Supreme Court. John Quincy Adams offered him a position upon the Supreme Bench, but he declined it. Stands in the traditions of the House as its greatest Speaker, where during fourteen years no decision of his was ever reversed. "Shed unfading honors upon the Department of State," said Adams. "His leaving Congress in 1842," wrote Crittenden, "was something like the soul's quitting the body." Fought two duels. Five times aspired to the Presidency. "Was a strong leader, but not a safe guide. His imagination frequently ran away with his understanding. Surpassed all contemporaries, except Jackson, as a party leader," says Schurz.

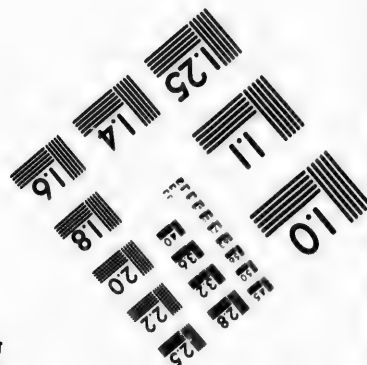
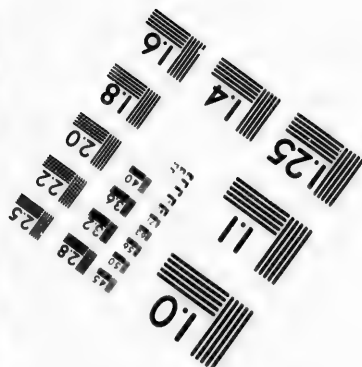
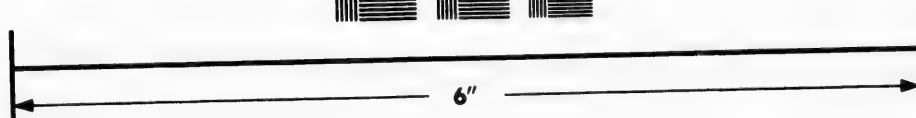
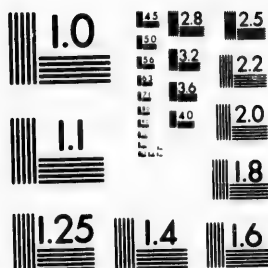
Was six feet one in stature, erect and commanding, with high forehead, prominent nose, blue eyes, large mouth and a powerful melodious voice. As a speaker, was magnetic and enchanting. His periods glittered "like polished lances in a sunny forest."

The image shows a dark, high-contrast scan of a document page, possibly a ledger or table. The page is mostly black with some faint, illegible markings and a vertical line on the left side. There are some faint, illegible markings and a vertical line on the left side.





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## Paper Money.

"If there be in regard to currency one truth, which the united experience of the whole commercial world has established, I had supposed it to be that emissions of paper money constituted the very worst of all conceivable species of currency."

## Tilt With Calhoun.

"The honorable Senator from South Carolina (Calhoun) says that I was flat on my back, and he wrote home to his friends in South Carolina half a dozen letters, stating that I was flat on my back and couldn't move. Admirable evidence this in a court of law! First, make an assertion, then quote your own letters to prove it! But the honorable Senator says he was my master on that occasion! *He* my master! *HE* my master! *HE* my master! Sir, I would not own him for my slave! The Senator from South Carolina further declares that I was not only flat on my back, but that another Senator (Mr. Webster) and the President had robbed me of my strength. Why, sir; I gloried in my strength. Flat on my back, as the Senator says I was, he was indebted to me for that measure which relieved him of the difficulties [Jackson's threats to arrest and hang him] by which he was surrounded. Flat as I was, I was able to carry that compromise through the Senate in opposition to the gentleman (Mr. Webster) who, the gentleman from South Carolina said, had supplanted me, and against his opposition." (Here Mr. Calhoun in-

errupted, taunting Clay with the failure to obtain the Presidential nomination in 1839.) "As for me, Mr. President," continued Mr. Clay, "my sands are nearly run, physically, and, if you please, politically also; but I shall soon retire from the arena of public strife, and when I do so withdraw myself it will be with the delightful consciousness of having served the best interests of my country, a consciousness of which the honorable Senator from South Carolina, (pointing and shaking his finger at Calhoun), with all his presumptuousness, will never be able to deprive me."—U. S. Senate, 1840: "Oratory and Orators," pp. 314-15.

#### Rather be Right than President.

"I would rather be right than President."—Said by Clay when asked in 1844 to favor the annexation of Texas.

#### The Inscription on Clay's Statue.

A curious thing about the Clay statue is the inscription on the base, which reads: "If I could be instrumental in eradicating this deepest stain, slavery, from the character of our country I would not exchange the proud satisfaction which I should enjoy for the honor of all the triumphs ever decreed to the most successful conqueror." The selection of the quotation seems all the more strange when it is known that the collection of funds to build the monument began in 1856, and the work was completed and



dedicated with great public ceremony in 1860, on the very eve of the war. The statue of General Jackson, which stands in another part of New Orleans, has inscribed upon its base: "The Union must and shall be preserved."

#### **Taking Snuff With the U. S. Supreme Court While Arguing a Case.**

When Clay was Speaker of the House of Representatives he made his first appearance in the United States Supreme Court in the case of *Virginia v. Kentucky*. When he rose he was somewhat agitated; but he soon recovered his composure. The judges sat sedate and attentive. Judge Washington, who was in the habit of taking an occasional pinch of snuff, took out his snuff-box, and Mr. Clay, on observing it, instantly stopped, and, advancing gracefully to the bench, participated with the judge in the refreshment of his nasal organs, remarking, "I observe that your honor sticks to the Scotch," and immediately resumed his argument. Judge S., who related the incident, said he did not believe there was a man in the United States who could have done that but Henry Clay.

#### **Possessed the Art of Pleasing.**

"No man in American history has possessed in greater measure the gift and the art of pleasing than did Henry Clay. Over his followers he exercised, not merely control, but fascination. They were ready to

do anything to secure his triumph; they were overwhelmed with grief at his defeat."—Ency. Brit. Sup. art. Clay.

#### His Manner in Speaking.

"He gesticulated all over. As he spoke he stepped forward and backward, with effect, and the nodding of his head, hung on a long neck, his arms, hands, fingers, feet, and even his spectacles and blue handkerchief, aided him in debate."—Mathews, "Oratory and Orators," p. 312.

"He was proud, princely, distant and dignified."  
—Holland.

#### Would Not Speak to Burr Nine Years After Defending Him.

"Defended Aaron Burr in the United States District Court in Kentucky for treason, and cleared him; but afterwards met him in New York—nine years later—and, finding that he had been deceived, Clay refused to shake hands with him."—Schurz's *Life of Clay*, p. 36.

#### Remembered a Juror Twenty-One Years After the Trial.

While on a political tour in Mississippi he stopped at Clinton, when an eccentric old man stepped forward and said, "Don't introduce me; I want to see if Mr. Clay will know me." "Where did

I know you?" said Clay. "In Kentucky." "Have you lost that eye since I saw you, or had you lost it before?" "Since." "Then turn the sound side of your face to me, that I may get a profile. I have it. Did you give me a verdict as juror at Frankfort, Kentucky, in the great case of the United States against Innes, twenty-one years ago?" "I did! I did!" said the overjoyed man. "And is not your name Hardwicke?" said Mr. Clay. "It is, it is," replied Dr. Hardwicke, bursting into tears. "Did I not tell you great men never forget faces," exclaimed the gratified doctor.

#### Daily Practiced Reading.

"I owe my success in life to one single fact, namely: That at an early age I commenced, and continued for some years, the practice of daily reading and speaking the contents of some historical and scientific book. These off-hand efforts were sometimes made in a cornfield; at others in the forest; and not unfrequently in some distant barn, with the horse and ox for my only auditors. It is to this that I am indebted for the impulses that have shaped my entire destiny."—Said to a Class of Law Students.

#### General W. T. Sherman on Clay.

"I shall never forget the impression that Mr. Clay made on me once when I heard him speak before the Senate. I was a young lieutenant and had just returned from California, where I had been detailed. I was in the gallery with the crowd. Mr. Fillmore

was President of the Senate, and warned the gallery that a repetition of any such demonstration as had just been exhibited would result in the place being cleared. Mr. Clay was speaking on the possibility of secession, and we all kept quiet until he said: 'I love *Kaintucky* with all my heart and all my soul, but if *Kaintucky* were to secede I would shoulder my old musket and be among the first to put her down, down, down!' Mr. Fillmore's warning was useless. The gallery arose and yelled, and I yelled with it. Then we were all cleared out, to our infinite disgust.

"Mr. Clay was always admirable. His oratory was indescribable. He seemed to be inspired and spoke extemporaneously, with no other preparation than a few off-hand notes that he had jotted down previous to taking the floor. He would exhaust the subject suggested by one of those brief memoranda, and then pass on to another. His enunciation was clear and distinct, but marvelously rapid. It was impossible for the reporters to take his speeches in those days, when stenography had not been so perfected as now, and that is the reason that his speeches do not read as well as those of Webster. But of the two men Mr. Clay was incomparably the better speaker. In his last years of public service he stood between the two fires of the extreme North and the extreme South, and there were little men in the Senate always snapping and snarling at his heels. Sometimes they drove him to bay, and then it was a fine spectacle to see him turn on them and demolish

them. He scattered them as easily as a splendid stag scatters a pack of coyotes."—General W. T. Sherman in New York Times.

#### Was of a Party.

"A free people in times of peace and quiet, when pressed by no common danger, naturally divide into parties. At such times the man who is of neither party is not, can not be, of any consequence. Henry Clay was therefore of a party."—A. Lincoln.

#### "Speaking for Posterity"—Retort.

Being confronted by General Smyth of Virginia in the House of Representatives in a long debate, Smyth, who was noted for his prosy and long-drawn speeches, said to Clay: "You speak for the present generation; I speak for posterity." "Yes," replied Clay, "and you seem resolved to continue speaking until your audience arrives."

#### His Poverty.

"Clay's example teaches us," said Lincoln in a eulogy on Clay in Springfield in 1852, "that one can scarcely be so poor but that, if he will, he can acquire sufficient education to get through the world respectably."

#### Esteemed Jefferson.

From his twenty-first to his thirty-fourth year he esteemed Jefferson the first and best of living men.

### Betrayed a Feeling of Superiority.

Lincoln said though Clay was polished in his manners and hospitable and kindly, he betrayed a certain consciousness of superiority and almost offensive imperiousness.

### Friends Gave Him a Carriage.

Passing through Newark, New Jersey, once, Clay thoughtlessly ordered a carriage of a certain pattern. That evening the carriage was at the door of his New York hotel, the gift of a few friends.

### His 600 Acre Farm Mortgages of \$30,000 Discharged by Friends.

In his old age his fine estate of 600 acres at Ashland, Kentucky, through the misfortunes of his sons, was burdened with mortgages to the amount of \$30,000, and other large debts weighed him down, when a few old friends secretly raised the needful sum, paid the mortgages and discharged his debts, and then caused Clay to be informed what had been done, but not of the name of the donors.

### Raised Fine Animals.

He raised on his estate superior animals. Had fifty merino sheep driven over the mountains from Pennsylvania, and imported from England Durham and Hereford cattle.

### Exact Man of Business.

He was an exact man of business, who docketed his letters, and could send from Washington to Ashland for a document, telling in what pigeon-hole it could be found.

### His Reply as to How He Would Preside as a Speaker After a Night's Debauch.

"How can you preside over that House today?" asked a friend as he set Mr. Clay down at his own door, after sleep from a party. "Come up and you shall see how I will throw the reins over their necks," replied the Speaker, as he stepped from the carriage.

### Probed Nothing to the Bottom—Not a Student.

"Clay probed nothing to the bottom, except, perhaps, the game of whist; and, though his instincts and tendencies were high and noble, he had no great grasp of general truths. He was not a student, not a thinker, not a philosopher. Webster said of him, when reported to be dying: 'I think he never was a man of books, a hard student; but he has displayed remarkable genius. He has been too fond of excitement—he has lived upon it; he has been too fond of company, not enough alone; and has few resources within himself. Now a man who can not, to some extent, depend upon himself for happiness, is to my mind one of the unfortunate.'—Parton on Clay.

### Carried the War of 1812 on His Shoulders.

"Clay literally carried the war of 1812 on his shoulders. He and his friends were alluded to by Quincy of Massachusetts as 'young politicians, with their pin-feathers yet unshed, the shell still sticking upon them—perfectly unfledged, though they fluttered and cackled on the floor.'"—Parton's Article on Clay.

### Light Hair.

He had abundant light hair.

### Unequalled in Kentucky for His Power Over Juries.

"He had a power over a Kentucky jury such as no man has ever had. We are far from thinking that he was not a very able lawyer, for he was a brilliant, successful practitioner, and had amassed a competence after ten years at the bar. Judge Story, before whom, in his later life, he argued a case, was of the opinion that he would have won a high position at the bar of the Supreme Court, if he had not been early drawn away into public life."—James Parton.

### His Last Great Speech on the Compromise Bill.

His last great speech, on the great Compromise Bill of 1850 lasted two days, and was probably the cause of his death. He was so feeble that he had to be helped up the Capitol steps, and when asked to desist said if he did he was afraid he would not live



to resume. He was strongly Union in what he said, and exclaimed, among other things: "There are those who think that the Union must be preserved by an exclusive reliance upon love and reason. That is not my opinion. I have some confidence in this instrumentality; but depend upon it, that no human government can exist without the power of applying force, and the actual application of it in extreme cases."

Horace Greeley's Tribute.

"If a man only saw Henry Clay's back, he would know that it was the back of a distinguished man."—  
Horace Greeley.

Inscription on the Monument at the Grave of the  
Mother of Henry Clay in the Cemetery at  
Lexington, Kentucky.

"Elizabeth Watkins, formerly Elizabeth Clay,  
Born 1750, Died 1829. This monument, a tribute to  
her many domestic virtues, has been prompted by the  
filial affection and veneration of one of her grateful  
sons, H. Clay."

## NATHAN CLIFFORD, MAINE.

(1803-1881.)

Twenty-three years an Associate Justice of the United States Supreme Court. Born in Rumney, New Hampshire, August 18, 1803; died in Cornish, Maine, January 25, 1881, aged seventy-seven. Born in an honorable poverty, he received his early education at the Haverhill, New Hampshire, academy, and later at the Hampton Literary Institute, paying his way by teaching. Read law with Josiah Quincy, a leading New Hampshire lawyer; was admitted to the bar and settled at twenty-four in York county, Maine; 1830-1834, was a member of the Maine Legislature, and part of that time Speaker; 1834-1838, Attorney General of Maine; 1839-1843, member of Congress; 1846, Attorney General in President Polk's Cabinet, and while holding this position, as envoy extraordinary and minister plenipotentiary, arranged the terms of peace with Mexico by which California became a part of the Union. In 1849 he resumed his practice in Maine, and in 1858 became, on the nomination of President Buchanan, an Associate Justice of

the United States Supreme Court, remaining such to his death. As the oldest associate justice he presided over the Electoral Commission in 1877, and, though firmly believing that Mr. Tilden was elected, conducted the proceedings with great dignity and impartiality. After Mr. Hayes' inauguration he refused to visit the White House.

Clifford's life was long and of varied activity. He served the government in executive, administrative and judicial capacities. In early life he met celebrated men in debate with credit and success. And forty-two volumes of Reports contain the result of his patient judicial labors, in which are recorded his 486 opinions, including 100 dissents. "He was bitterly opposed to anything like judicial legislation." As the first Cabinet officer, and as the first Supreme Court Judge that Maine had had, her people took the greatest pride and satisfaction in him. And his kindly nature and conservative temper, joined to habits of unwearied industry, made of him one of the best of modern magistrates.

## SIR EDWARD COKE—ENGLAND.

(1549-1634.)

As a lawyer perhaps he has never been equaled in the copious extent and variety of his information. Born at Mileham, Norfolk, England, February 1, 1549; died September 3, 1634, aged eighty-five. Having finished a three and a half years' course at Cambridge, without graduation; at twenty, he prosecuted with intense application the study of law, retiring at nine and rising at three, being called to the bar at twenty-six. Was noted from the first for his extensive and exact knowledge, soon having the largest practice known up to that time, rising to the highest rank by his argument in Shelley's case, and being regarded the greatest lawyer of his day. Made Recorder of London and Solicitor General, 1592; member of Parliament, where he became Speaker of the House of Commons, 1593; Attorney General over his rival, Francis Bacon, 1594, his zeal for conviction often carrying him so far that his conduct was brutal; Chief Justice of the Common Pleas, 1606; Chief Justice of the King's Bench, 1613,

which position he held but three years; re-elected to Parliament, 1617, being for several years among the foremost members of the constitutional party.

The six years preceding his death he spent in revising the law works upon which he might well have rested his fame. He did not hesitate, though devotion to duty cost him his office and gained him the personal enmity of his sovereign. He was the first great English law commentator and court reporter. Said, "The law is a well, out of which every man can draw according to the strength of his understanding." To him more than to any other man is due the proud distinction of carrying through Parliament the Petition of Right, despite the blandishments and craft of the King. While arrogant and overbearing, his conduct as judge was able, bold and fearless. We willingly overlook the selfishness of his private life while viewing with admiration his matchless services in behalf of the liberties of his countrymen.

#### Clean Clothes.

"The cleanliness of a man's clothes ought to put him in mind of keeping all clean within."

## Reason and Law.

"Reason is the life of the law; nay, the common law itself is nothing else but reason. \* \* \* The law, which is perfection of reason."—From First Institute.

## The Law a Well.

"The student will observe that the knowledge of the law is like a deep well, out of which each man draweth according to the strength of his understanding."

## Freedom of Trade.

"Freedom of trade is the life of trade, and all monopolies and restrictions of trade do overthrow trade."—Roscoe's Life of Coke, p. 29.

## Jurisprudence.

"The gladsome light of jurisprudence."—First Institute.

## Corporations Have No Souls.

"They (corporations) cannot commit treason, nor be outlawed nor excommunicated, for they have no souls."—Case of Sutton's Hospital, 10 Rep. 32.

## Magna Charta.

"Magna Charta is such a fellow that he will have no sovereign."—Debate in the Commons, May 17, 1628.

## The Study of Law.

"Six hours in sleep, in law's grave study six,  
Four spend in prayer, the rest on nature fix."

—Translation of Lines Quoted by Coke.

## Heir of Father.

"It is no trespass for a man to be the heir of his father."

Posted in Common Law, but Not in Statutes.

"If I am asked a question of common law I should be ashamed if I could not immediately answer it, but if I am asked a question of statute law I should be ashamed to answer it without referring to the statute book."

## First Commentator and Reporter.

"He was learned, honest and independent; knew all the law of his day, and was the first great commentator on the laws of England, and the first great reporter of court decisions."—Irving Browne.

## Why His Reputation as a Writer.

"Coke's merits and the causes of his reputation are not far to seek. For the first time he made accessible in English the old learning, which till then had to be painfully gathered from the year-books and from forbidding abridgments."—Stephen's *Dict. of Nat. Biog.* art. Coke, p. 241.

## Wealthy.

He was extremely avaricious, and left an enormous fortune; so great that it excited the alarm of the crown.

## Handsome.

He was very handsome, and dignified in bearing; neat in his dress, and studious of the cleanliness of his person.

## A Hard Worker.

"He was the most methodical and hard working man that ever lived; slept only six hours, and from three in the morning till nine at night he read or took notes of the cases tried in Westminster Hall, with as little interruption as possible." (This was during his student days.)—*Biog. Brit. art. Coke*, p. 120.

## Deep, but Narrow-Minded.

Says one: "He was a deep but narrow-minded lawyer, knowing hardly anything beyond the wearisome and crabbed learning of his own craft; famous only in his own country, and repelling all friendship by his harsh manners."

## Coke Upon Littleton.

Of his comment upon Littleton, the most competent of judges, Butler, in his "Reminiscences" says: "Neither England nor the Continent can produce any contemporaneous work of equal or even approximating merit."



### His Ability and Appearance.

"His parts were admirable; he had a deep judgment, faithful memory, active fancy, and the jewel of his mind was put into a fair case, a beautiful body, with comely countenance; a case which he did wipe and keep clean, delighting in good clothes, well worn, and being wont to say that the outward neatness of our bodies might be a monitor of purity to our souls."—Fuller in Stephen's Dic. of Nat. Biog., p. 239.

### Great Trials.

At the bar he conducted the prosecution in the trials of the Earls of Essex and Southampton in 1600. Of Sir Walter Raleigh in 1603, and of the Gunpowder Plotters in 1605.

### Abuse of Raleigh.

"Sir Edward Coke, a man of prodigious ability and acquirement, but still essentially commonplace in his intellect and prejudices, was once goaded by rage and hatred into an imagination in which his whole massive nature seemed to emit itself in a Titanic stutter of passion. We refer, of course, to his calling Sir Walter Raleigh a 'spider of hell'—an image in which loathing became executive, and palpably smit its object on the cheek. The image becomes tremendous when we see the whole roused might of Coke glare terribly through it."—Whipple's "Literature and Life," p. 241.

## Expounder of Common Law.

"He was the great expounder of the common law of England."—Anon.

## Acrimonious Testimony of a Contemporary.

"He would die if he could not help to ruin a great man once in seven years," wrote Sir E. Conway in 1624.

## A Gentleman in Bacon's Impeachment.

"Even Sir Edward Coke, for the first time in his life, behaved like a gentleman."—Macaulay, speaking of Coke's conduct in the impeachment of Bacon.

## Man's House.

"A man's house is his castle."—Third Institute.

## Unequaled in Information.

"As a lawyer Coke has, perhaps, never been equaled in the copious extent and variety of his information. As an antiquarian lawyer, he was not deeply learned, and was surpassed by Selden, and, perhaps by Hale. Yet even with these defects he stood the acknowledged and unrivalled head of his profession, at a period fruitful in eminent men, and when the ambition of Bacon led him to devote his high genius to the same pursuits."—Roscoe's *Eminent Lawyers*, art. Coke, p. 40.

## Hallam's Tribute.

"Coke was the strenuous asserter of liberty on the principles of those ancient laws which no one was admitted to know so well as himself, redeeming, in an intrepid and patriotic old age, the faults which we cannot avoid perceiving in his earlier life."

## Johnson and Shakespeare "Vagrants."

He looked upon Jonson and Shakespeare as "vagrants," so much did he despise general literature.

## Contempt for Bacon's Works.

Lord Bacon presented him with a copy of his immortal work, the *Novum Organum*. On the fly-leaf he wrote some satirical Latin verses, advising him to restore justice and the laws rather than the writings of sophists. On the title page was written *Instauratio Magna*, and also was given the device of a ship sailing through the Pillars of Hercules. Coke wrote over this:

"It deserves not to be read in schools,  
But to be freighted in the Ship of Fools."

The words "Ship of Fools," being supposed to allude to Sebastian Brandt's satirical work of that title.

Curran's Opinion of Coke.

"Lord Coke was one of the ablest lawyers, independent of some particulars, that ever existed in England."—In Defense of Henry Sheares.

A Tyrant, Etc.

"Coke was by nature a tyrant, a bully, and a coward."—Allan B. Macgruder in 4 South. Law Review, p. 844.

## RICHARD COKE, TEXAS.

(1829——.)

One of the present Senators from Texas. Born at Williamsburg, Virginia, March 13, 1829. Completed his studies when nineteen at William and Mary college, Virginia. Was admitted at twenty-one, and removed the same year to Waco, Texas, where he has since practiced his profession constantly when not in the public service. He served in the confederate army during all the war, becoming captain; was appointed District Judge in 1865, and elected to the Supreme Bench of his State in 1866. A year later he was removed by General Sheridan, on the ground that he was a hindrance to reconstruction. Returned to the practice of law the latter part of 1867. He was Governor of the State, 1873, and re-elected, 1876, by a majority of 102,000; took his seat in the United States Senate, 1877, to which position he has been thrice re-elected, and in which he will have served eighteen years when his term expires, 1895.

As Supreme Court Judge, Mr. Coke was a hard

student and an indefatigable worker, his decisions being regarded as models of close reasoning, research, and vigorous English. As Governor he put the State on a sound financial basis, leading it out of bankruptcy to affluence, made life and property secure in the commonwealth, secured a new constitution for Texas in 1875, which changed the incongruous and repugnant instrument of 1869 to one with better educational, legal and taxation provisions. As Senator, he has taken a very decided stand upon finance, banking, tariff reform, and education, delivering usually three or four elaborate speeches on great national questions during each session. He has long served on the judiciary committee of the Senate, where he is considered one of the best Constitutional lawyers of that body.

He is domestic in his habits, very popular, never having been defeated for any position to which he aspired; is of high, broad brow, massive head, stands six feet three inches, and is a commanding figure wherever he goes.

## CHESTER CICERO COLE, IOWA.

(1824——.)

Late Chief Justice of Iowa and a distinguished legal practitioner for forty-two years. Born at Oxford, New York, June 4, 1824, the youngest of eleven children. His father, Samuel Cole, was a farmer, and died when the son was eight. The son was educated at Oxford Academy, Union College and Harvard Law School. He graduated in law at twenty-four, located in Frankfort, Kentucky, and for a short time had charge of the daily "Frankfort Commonwealth." He was admitted to the bar at Marion, Kentucky, and practiced there nine years, making an enviable record as a criminal lawyer. He was on one side of nearly every case, and is said to have cleared every client defended, and convicted the only two prosecuted. He moved to Des Moines, Iowa, in 1857, where he has since resided. He at once took the leading position at the bar of Iowa, to which his rare ability and high reputation justly entitled him. He was appointed in February, 1864, a Judge of the Su-

preme Court of Iowa, and elected to the same position in 1865 by a majority of 40,000, and re-elected in 1870. With ex-Supreme Judge George C. Wright, he organized, in 1865, the Law School of Des Moines, which subsequently became the law department of the State University. In 1869 he became Chief Justice, and was re-elected for the succeeding term, but resigned in 1876.

Says Andreas: "Judge Cole has been the peer of the ablest of his associates. A large part of the legal questions he has considered are without precedent in the State, particularly those relating to taxing power and the relation of corporations to the whole body corporate. Of remarkable quickness and correctness of apprehension, he deals directly with the point at issue. As a writer he is eloquent, clear and forcible. Some of his opinions are scholarly essays upon legal topics, and are grounded in the law, but that could not be law which did violence to equity." He is a jurist of quick apprehension, discriminate selection and courageous conclusions.



## JOHN DUKE COLERIDGE, ENGLAND.

(1821-1894.)

Late Lord Chief Justice of England, having succeeded Lord Cockburn in 1880. Born in December, 1821, and died June 14, 1894, aged seventy-two. He was a grand-nephew of the poet and philosopher, and son of a distinguished judge, by whom he was supported and educated in affluence. He graduated at Eaton and Oxford at twenty-one, where he gained more than the usual honors. Was admitted to the Middle Temple in 1846; became Queen's Counsel in 1861; rose rapidly into a lucrative practice; member of Parliament for Exeter in 1865; was made Liberal Solicitor General in 1868, and Attorney General in 1871; Chief Justice of the Common Pleas in 1873, and Chief Justice in 1880; made an extended visit to the United States in 1883, and is the only man who ever sat with the judges on the Supreme Bench of the United States.

"Nature," said an adverse critic, "intended him for a bishop, but accident made him a Judge." Says an American: "As a cross-examiner he never bullied,

never hurried or frustrated any one, but got out the exact things he wanted, and by dint of sheer suavity, inveigled those whom he interrogated into making suicidal admissions." Yet, in the greatest professional effort of his life, the Tichborne trial, in which he displayed remarkable pertinacity and ability, he failed to break down Orton, the claimant, in his more than twenty days' cross-examination of that generally conceded perjurer, and the episode was fatal to his claim to be the first cross-examiner at the English bar.

He was the most elegant and painstaking advocate of his day. As a judge he had metaphysical insight, a sound knowledge of law, and the power of taking a broad, philosophical view of the varied subjects which came before him. No English judge has attained such distinction at once in letters, politics and law. His judgments abound in terse, accurate and elegant statements of the law which almost equal the Latin maxims. He was the personification of culture, polish, suavity, resoluteness and dignity.

## Extinguishing a Life.

"The life of the prisoner is in your hands, gentlemen." (Just then the lights went out.) "You can extinguish it as easily as that candle was extinguished but a moment since; but it is not in your power to restore that life, once taken, as that light has been restored."—Extract from defense of murderer: Tact in Court, p. 59.

## In Favor of Code Pleading.

"You have lately procured, may I say most wisely, a great national park, into which the bounties and glories of nature, and strange and eccentric forms which natural objects sometimes assume, may be preserved forever for the instruction and delight of the citizens of this great republic. Could it not be arranged that, with the sanction of the State, some corner in that one park should be preserved as a kind of pleading park, into which the glories of the negative pregnant, abseque hoc, replication de injuria, rebutter and sir-rebutter, and all the other weird and fanciful creations of the pleader's brain, might be preserved for future ages, to gratify the respectful curiosity of your descendants, and that our good old English judges, if ever they revisit the glimpses of the moon, might have some place where their weary souls might have rest; some place where they might still find the form preferred to the substance, the statement to the thing stated?"—Extract from a speech delivered before the New York Bar Association, 1884.

## Had a Good Opinion of Himself.

He always had great admiration for his own abilities. It is said that after a college examination, Dr. Jenkyns, the famous master of Balliol, addressed him as follows: "Mr. Coleridge, I have a high opinion of you. Everybody in the college has a high opinion of you. But nobody has such a high opinion of you as you have of yourself."

## Browning's Retort to Coleridge.

Lord Coleridge told this story of Browning: Browning lent him one of his works to read, and afterward, meeting the poet, the Lord Chief Justice said to him: "What I could understand I heartily admired, and parts ought to be immortal; I admired it or not, because for the life of me I could not understand it." Browning replied: "If a reader of your caliber understands ten per cent. of what I write, I think I ought to be content."

## Apparently Asleep When Hearing Cases.

"Did the Lord Chief Justice sleep while engaged in the discharge of his exalted functions? Such was the impious question which most English lawyers who had occasion to practice before him would answer in the affirmative, relying on the accumulated experience of mankind as to the physical appearance of persons in that restful state, for in the course of a trial he would close his eyes and allow his head to fall

on the desk, and subsequently appear unconscious of much that had taken place in the meantime. It is only just, however, to state that the Lord Chief Justice denied the imputation, alleging that he was never more acutely perceptive of the argument presented to him, or more alive to the forensic situation than when he adopted this demeanor, which ordinary mortals thoughtlessly regarded as incompatible with due judicial vigilance."—May, 1894, Green Bag.

Estimate of—As Advocate, Judge and Man.

"His qualities were those of the brilliant advocate, and that, by common consent, he is admitted to have been. Yet even in this sphere he was lacking at the precise point where the strong qualities are most in evidence. His addresses were models of rhetorical 'arts and crafts,' by which the dispensers of verdicts are hypnotized by the verdict-getter. A comparison between him and Lord Russell or Sir Henry Hawkins, two strong, virile, tenacious men, leaves him their inferior. He never did what the former did in the Parnell Commission, or the latter in the Tichborne case. The comparison is obvious when applied to this case, as Lord Coleridge administered the cross-examination in the civil trial and Sir Henry that in the criminal trial which followed. \* \* \*

As an advocate he made his most brilliant efforts in cases where questions of theology and church history and antiquities were involved. \* \* \* He was

versatile, brilliant, with the instincts of a literateur, graceful in speech and act, eloquent; a man who shone socially, and who felt deep interest in many departments of life. \* \* \* There is no figure of the same dignified type on the English bench or at the bar.—Geo. H. Knott, of Middle Temple, Sept.-Oct. Am. Law Review, 1894.

### His Second Marriage.

Lord Coleridge was married a second time in 1885 to Amy Augusta, daughter of Henry Baring Lawford. She was thirty-five years his junior. She was not received socially; and consequently when she sat beside her husband during the trial of the Tranby Croft baccarat case, Lord Coleridge was severely criticised.

### Sued by His Daughter for Support.

Further attention was attracted to his domestic affairs several years ago when his daughter, Mildred, sued him for non-support. After the scandal had been publicly ventilated, the case was settled out of court.

### A Crank on the Picture Question.

The late Chief Justice was unalterably opposed to having his photograph taken. Consequently when a picture was asked for a special purpose, he refused to give it, and a kodak shot was taken. For this he prosecuted the photographer; but we believe

the court held that, being a public character, as long as no degradation or slander was made out, he was remediless, as he was an official of England, hence a public character, and the public had a right to look at his face, or read his life, if it wished to do so. It is well known that he excluded from his court a sketcher of his face, in the baccarat case.

## ROSCOE CONKLING, NEW YORK.

(1829-1888)

Born at Albany, New York, October 30, 1829. Died in New York city, April 18, 1888, aged fifty-eight. His father was United States District Judge and author of several law treatises, as well as a statesman of influence. With but an academic education, he studied law, was admitted, and appointed District Attorney, before becoming of age. His public service began in 1858, when he was elected Mayor of Utica, and the same year to the House of Representatives. In 1864, having been defeated in 1860, he was returned to the House, where he continuously sat until 1867, when he was elected to the Senate, of which he was a conspicuous figure till his resignation in 1881. While a Senator, President Grant offered him the Chief Justiceship, and after his resignation President Arthur, an Associate Justiceship, both of which he declined.

From 1881 till his death he practiced law in New York city, with such success that in about eight years he retrieved a fortune, broken by his arduous public



service. His practice was restricted, not interrupted, by his public service, and extended into every field of the law. His early victories were confined to *nisi prius* courts, but later they invaded the highest tribunals of his country. In all the relations of private life, an example for others, he laid down his public trust, unsullied. Thorough preparation of cases, skill as a cross-examiner, ability to cope with the unexpected, unbounded confidence in his cause, fluent and eloquent speech, which he attributed to the careful study of Macaulay's essays, these were his chief characteristics as a lawyer.

He was a commanding figure, scrupulously neat in person and attire, reserved in manner, physically and morally courageous, staunch in his friendships and an uncompromising enemy. "Intolerance of shams," says John N. Edwards, "made him appear at times, lordly, supercilious and dictatorial; but behind the semblance was the substance, and in extremity everything else was unreckoned of except the iron."

### Secession.

"Secession was a painted lizard—a reptile which a million men went out to bruise and crush under their heels."

### Lincoln.

"Lincoln was one of those who darken nations when they die."

### Political Promises.

"There is great wisdom in making no promises."  
—Referring to the common habit of making political pledges.

### Spaniel-Like Element in Human Nature.

"Whoever fails to take account of the spaniel-like element of human nature will make a great many mistakes."—When speaking of influencing others.

### Discretion.

"Unbridled discretion is not wholesome in government. \* \* \* It is too broad a power, and it should not be slack-wound or loose-twisted, but it should be stated with particularity."—Speaking of taking the tenth census, in 1879.

### Campaigning for Blaine.

Being asked to speak for Blaine in the campaign of 1884, he replied he had never engaged in 'criminal practice,' and he did not care to begin then.

## Money Inflation.

"Reason and experience convince me that we shall launch government and people on a sea without shore or bottom when we legislate the nation out upon a sea of unlimited, irredeemable paper money. A note not to be paid or redeemed is a promise made to be broken. A promise made to be broken is a lie. And a lie will upset anything, from an apple-cart to an empire. Paper money not to be paid or redeemed is a falsehood and a fraud. It can never be true, and, therefore, it can never be right or safe."—Remarks on Inflation, United States Senate, February 19, 1874.

## Libeler and Robber Compared.

"A thief breaks into your house, steals your watch, and goes to Sing Sing. The newspaper man breaks into the casket which contains your most precious treasure—your reputation—and goes unscathed before the law."—Extract from a speech in a libel suit.

## Death.

Death is nature's supreme abhorrence. The dark valley, with its weird and solemn shadows, illumined by the rays of Christianity, is still the ground which man shudders to approach. The grim portals and the narrow house seem in the lapse of centuries to have gained rather than lost in impressive and foreboding horror."—Extract from eulogy on Oliver P. Morton, United States Senate, January 17, 1878.

Description of New York, When Emancipation Was Proclaimed.

"Truth and common sense were hooted and buffeted, and unkenneled cowardice and ignorance barked in hideous chorus. Wantonness and infatuation ruled the hour. Drugged with error, dizzy with fear and maddened with passion, men and women were led from meetings to mobs; from a dance of faction to a dance of death. In the city of New York, duped and imbruted thousands rioted in blood; the blade, the bullet and the cup did each its work, and the torch sent up from the Christian soil of that imperial city the smoke of a burning orphan asylum, to tell in heaven of the inhuman bigotry, the horrible barbarity of man. Emancipation prevailed, the uplifted banners of opposition and revolt went down, and the nation's flag waved safe conduct to black and white alike from Mexico to British America."—Extract from a speech in Senate on a proposition to repeal a resolution of the Legislature of New York ratifying the Fifteenth amendment, February 22, 1870.

Black Wench Interruption.

While making a speech, when a young man, in Utica, an interrupter bawled out: "Do you want me to marry a black wench?" "Do I want you to marry a black woman?" said Conkling in reply. "No, I can't say that I do—I have too much compassion for the black woman."

### His Oratorical Models.

His oratorical text-books were the Bible, Shakespeare and the prose writings of Macaulay, Burke, Pitt, Fox and Erskine.—Conkling's Life and Letters. p. 363.

### Declined Position on United States Supreme Bench Twice.

He refused an Associate Justiceship on the United States Supreme Bench from President Arthur in 1882, and was tendered the Chief Justiceship in 1873 by President Grant, but declined them both. He also declined a Ministership to England and the position of Secretary of State.

### Stopping Train for Conkling.

Conkling, one time wishing to stop the limited Washington express, at a crossing near Baltimore, to see a New York gentleman, the telegraph operator said he could if he got permission from Philadelphia. The Senator said: "If it would do any good, you might use my name." "And your name is——?" said the operator. "Conkling—Roscoe Conkling," replied the gentleman. He flashed over the wire that Senator Conkling wanted the train stopped. Reply came back: "How do you know it is Senator Conkling?" Turning to him, the operator said: "Philadelphia wants identification." Conkling displayed his gold watch, with the initials "R. C." engraved on the case,

at the same time involuntarily removing his hat. The operator ticked these words over the line: "Letters 'R. C.' on gentleman's watch, but I know he's Conkling by his flaunting red beard and the Hyperion curl of Nast's cartoons." Straightway the sounder rapped: "Stop train, by order H. F. Kenney, General Superintendent."—*New York Mail and Express*.

#### A. R. Conkling's Estimate of Him as a Lawyer.

"His forte as a lawyer was said to be in cross-examination and addressing the jury. But the lawyers in the metropolis who knew him best declare that he was well versed in the principles of the law, and very familiar with equity jurisprudence. In presenting points to the court, and in the application of the rules of evidence, he was powerful. He had quick reasoning faculties, and was able at once to form correct conclusions. With sufficient time for preparation, no lawyer surpassed him in the analysis and clear presentation of his case."—*Life of Conkling*, p. 670.

#### Macaulay's Essays.

He attributed his success as a speaker and orator to the study of Macaulay's Essays, which he said are "freighted with the spoils of all ages."

#### Justice Miller's Tribute.

Judge Miller said of one of his late efforts in the Supreme Court: "Roscoe Conkling's late argument before the Supreme Court was the ablest legal argu-

ment that has ever been presented to it during the service of the oldest member of the court as Associate Justice, and he was one of the greatest men intellectually of these times."

*Affluent and Exuberant English.*

"In affluent and exuberant diction, Mr. Conkling was never surpassed in either branch of Congress, unless, perhaps, by Rufus Choate."—Blaine's *Twenty Years of Congress*, volume 1, page 328.

*Reply to William Pinkney White, of Maryland.*

In the course of a somewhat dreary debate, William Pinkney White, of Maryland, a Senator from that State, rose to say that he was the only surviving Democratic member of the Senate of the war times. Conkling turned upon him with a courtesy which was impressive, in his richest tones and with mock gravity, replied: "Mr. President, not as the last rose of summer, but as the rose of last summer, as the last leaf upon the tree, I beg to offer to the distinguished Senator from Maryland—and I trust that he will receive them—my sincere condolences. As was said of Napoleon at St. Helena, he is wrapped in the solitude of his own originality. He is the last of the barons, the last of the Mohicans, the last of that long list of statesmen who once belonged to the late Democratic party, and I beg to uncover in the presence of the pale memory of such a thing."—United States Senate, February 3, 1881.

## Retort and Compliment to Thurman.

During a Senatorial speech Conkling turned frequently to look upon that intellectual giant whom he admired, Senator Thurman, until Mr. Thurman, being annoyed, asked why the Senator from New York turned to him so frequently. Instantly Conkling deferentially and kindly replied: "Mr. President, when I turn to the Senator from Ohio, I beg to assure him that I turn to him as the Mussulman turns toward Mecca; I turn to him as I would turn to the common law of England, the world's most copious fount of jurisprudence."—While defending General Sheridan in United States Senate, January 28, 1875.

## During Last Six Years Made \$300,000.

During his last six years' practice of the law in New York city, after retiring from politics in 1881, poorer than when he went in, he not only paid every obligation, but amassed, for a lawyer, a large fortune. His annual receipts from his practice exceeded \$50,000, and were steadily increasing, when death ended his earthly career, which was probably brought about by his walking, in the spring of 1888, from Wall street to Twenty-fifth street, arm-deep in a blinding snow-storm, which took three hours, so great that when he went to leave his office late at night a cabman asked him \$50 to take him home, which he would not pay.—Conkling's Life and Letters, page 699.



"Settle," Said Vanderbilt.

In 1869, after receiving a verdict for \$18,000 against the New York Central Railway, the case was settled, while pending an appeal, for \$10,000 cash, the company paying all the costs and Conkling's fee. Cornelius Vanderbilt, the president of the company, remarking: "Pay the amount of the verdict, for if Conkling tries this case again he may make it \$50,000."

#### The Budge Murder Trial.

In the Budge murder trial, in 1861, Conkling became a quasi physician, and saved his client from the gallows. The Rev. Henry Budge was charged by his enemies in the church with murdering his wife, who suicided by cutting her throat in bed. Conkling had the doctors against him, and mastered the physiological aspects of the case, studying the human system by the aid of a skeleton which he procured for that purpose, and kept Dr. Alonzo Clark up the entire night before the trial, answering his questions, which he absorbed with such avidity that Dr. Clark said afterward: "Conkling learned in a few days what it took me thirty years to find out." At the trial he refuted the theory of the experts as to strangulation, the capacity of the human lungs, and other theories of the murder, advanced by the prosecution. The defendant was acquitted by the jury without retiring from their seats.

## Two Important Cases.

In 1885 the case of *Marie et al. v. Garrison*, in which Mr. Conkling was leading counsel for the plaintiffs, was settled by the payment of \$1,000,000. Mr. Conkling's fee was \$50,000. And in the case of *Farnsworth, receiver for the Bankers' and Merchants' telegraph company, v. the Western Union*, a verdict of \$240,000 was recovered. A lawyer who attended the latter trial said: "Mr. Conkling surprised us all by coming to New York when upward of fifty years old, and in the face of so much competition acquiring such a large and lucrative practice."

## THOMAS McINTYRE COOLEY, MICHIGAN.

(1824. —)

The most frequently quoted authority on American Constitutional law. Born at Attica, New York, January 6, 1824. Was the son of a farmer of limited means. Attended the common schools until fourteen, and was taught the classics in private schools. Began to read law at nineteen with Theron K. Strong, at Palmyra, New York. Moved to Michigan in 1843, and finished his law-reading in Adrian, being admitted at twenty-two. He was appointed, in 1859, one of three professors to organize the law school at the University of Michigan, and held the position until 1884. He delivered several courses of lectures afterward, on governmental subjects, at Michigan and Johns Hopkins universities and one at Yale. Received the degree of LL.D. from Michigan and Harvard universities. He occupied a seat upon the Supreme Bench of Michigan for twenty-one years (1864-85). Was appointed chairman, 1887, of the Inter-State Commerce Commission, but resigned on account of ill-health in 1891. While on the bench he wrote "Con-

stitutional Limitations" (1868), now an authority both here and abroad; "Cooley's Blackstone's Commentaries" (1870); "Story on the Constitution, annotated" (1873); "Taxation" (1876); "Torts" (1879); "Manual of Constitutional Law" (1880). At the request of the author, he furnished notes for Bryce's American Commonwealth, and wrote the History of Michigan for the Commonwealth Series.

He has been a constant and much sought contributor to current magazines and the standard cyclopedias. He has delivered numerous important addresses throughout the country, notably one before the Indiana Historical Society, in 1887, upon the Acquisition of Louisiana, and one at Ann Arbor, in 1893, on Hawaiian Annexation, afterwards published in the Forum. Mr. Cooley exemplifies in his life his own ideal, being pure, courteous, faithful and just. His whole life has been characterized by incessant labor, and the untiring devotion with which he has applied himself to his work has made his name immortal.

**Greatest Writer on Constitutional Law.**

"He is the greatest American writer on Constitutional law. His books are essential in the library of every practitioner. His political views have been of an independent kind for years."—*Kansas City Journal*, April 19, 1883.

## WILLIAM FRIERSON COOPER, TENNESSEE.

(1820- —)

One of the ablest chancery lawyers of the South. Born in Williamson county, Tennessee, March 11, 1820. Is of Scotch-Irish descent. Learned French at twelve; was always ahead of his classes, and graduated at Yale at eighteen; studied medicine two years at the University of Pennsylvania, abandoning which, he entered at once into an equal partnership with Chancellor Samuel D. Frierson, of Columbia; admitted at twenty-one. Was led to the study of law by attending a mock lawsuit, in which counsel did so poorly he involuntarily arose and addressed the court, after which he was the cynosure of all eyes. He spent the next three years in practice and study; formed a partnership with Hon. A. O. P. Nicholson, of Nashville, late Chief Justice of the Tennessee Supreme Court. His arguments in the State Superme Court in 1846 were favorably noticed, one being expressly referred to and adopted by the court (*Brown v. Van Lier*, 7 Hum.). He was the unanimous choice of the Nash-

ville bar in 1851 for the place of Chancellor Cahal, deceased, but declined the honor, learning that Judge Nicholson would accept. Formed a partnership that year with Hon. Andrew Ewing, which continued for ten years, when he was elected Judge of the Tennessee Supreme Court.

With Return J. Meigs, he revised and digested, in 1852, the Tennessee General Statutes, the analytic plan of the present code being exclusively the work of Judge Cooper. He succeeded, in 1861, the Hon. R. L. Caruthers, who resigned, on the Supreme Bench of Tennessee, and later formed a partnership with him. In 1872 he was appointed by the Governor, Chancellor of the Nashville Chancery District, being elected to the same office in 1874. He superintended, in 1870, the re-publication of the early reports of his State, re-writing the head notes to the first eight volumes. He is the type of a gentleman of temperate and cheerful disposition; possesses a competence, living in New York city, and is one of the great little men, of the Stephen A. Douglas type.

## JOHN PHILPOT CURRAN, IRELAND.

(1750-1817)

Next to Erskine as a jury lawyer, and the most popular advocate of his time. Born at Newmarket, Ireland, July 24, 1750; died near London, October 14, 1817, aged sixty-seven. Was the son of a peasant, but received a good education, graduating after four years' study at Trinity College, Dublin, at twenty-three. Was distinguished in classics, reading Homer yearly and Virgil daily. Called to the bar at twenty-five; member of Parliament at thirty-two; Master of Rolls for Ireland in 1806, but would have preferred Attorney Generalship; resigned in 1814 on account of ill-health. In the height of his popularity his wife eloped. He obtained a verdict against her seducer, but would not touch the damages awarded, even gave her an allowance, and went to see her when supposed to be dying.

He was not renowned as a parliamentarian or judge. His imagination predominated over his learning. His most noted speeches were in defense of persons charged with political offenses—Tone,



Rowan, Bond, the brothers Sheares, Jackson, Finney, Fitzgerald, Finnerty and Kirwan. Another great effort was for plaintiff in *Massey v. Headfort*, for criminal conversation, recovering a verdict for \$50,000. In his first case he was so timid he was speechless, and dropped his brief. Notwithstanding his early diffidence, stuttering articulation, harsh, shrill voice, small, slim body, and awkward, boyish manner, he became, by hard study, constant practice, and indomitable will, a master of English, French and classic literature, and one of the most eloquent and powerful forensic advocates the world has seen. Probably gave birth to more enjoyment, uttered more wit, and had a greater command of invective than any contemporary. Soared in every region, and was at home in all; touched everything, and seemed to have created it; mastered the human heart with the same ease he did his violin. His auditors wept, and laughed and wondered. Byron said: "I have heard him speak more poetry than I have ever seen written."

### Dignity.

"The essence of dignity consists much more in rest than in action."—From letter to Duke of Essex,

## Heart Running Away With Him.

"I feel my heart running away with me—the worst men only can be cool."—From argument for the Sheareses.

## The Sea—Sand and Waves Of.

"Where the public calamity generates imps like these, their number is as the sands of the sea, and their fury as insatiable as its waves"—From *Hevy v. Sirr* for false imprisonment.

## Grimaces of a Baboon.

"Protect me from the obscene and unnatural grimaces of a baboon."—Said to the seneschal, when looked upon by Mr. Bell, an opposing candidate for Parliament, "with a very peculiar expression of countenance."

## In Consultation With a Dog.

Lord Clare, between whom and Curran there was mutual dislike, instead of giving attention to Curran was fondling his dog. Curran stopped and said: "I beg pardon; I thought you were in consultation."

## One's Family.

"What reward can be more precious than the confidence and affection of those for whom we could not think any sacrifice too great."—From *Reply to the Catholic Board*.

### An Independent Bar.

"The independence of the bar is the only un-failing safeguard of justice, and of that liberty without which justice is but a name."—*Idem*.

### Truth and Error.

"Truth is to be sought only by slow and painful progress. Error, in its nature, is flippant and compendious; it hops, with airy and fastidious levity, over proofs and arguments, and perches upon assertion, which it calls conclusion."

### Denunciation of the Perjurer, O'Brien.

"Do you not see him coiling himself in the scaly circles of his perjury, making anticipated battle against the attack that he knew would be made, and spitting his venom against the man that might have given evidence of the infamous character, if he dared appear?"

### Love.

"Love is a noble and generous passion; it can be founded only on a pure and ardent friendship, on an exalted respect, on an implicit confidence in its object."—From speech in *Massey v. Headfort*.

### Outburst to a Jury.

"Did they suppose they were addressing the liquorish loyalty of a guzzling corporation?"—From speech in defense of Dr. Drennan, 1794.

**Slavery.**

"No matter with what solemnity he may have been devoted upon the altar of slavery—the moment he touches the sacred soil of Britain, the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains, that burst from around him; and he stands redeemed, regenerated, and disenthralled by the irresistible genius of universal emancipation."—From speech in defense of A. H. Rowan for seditious libel.

**Irishman's Heart.**

"The heart of an Irishman is by nature bold, and he confides; it is tender, and he loves; it is generous, and he gives; it is social, and he is hospitable."—From *Massey v. Headfort*.

**Scotland.**

"To what other cause, gentlemen, can you ascribe that, in the wise, the reflecting, and the philosophic nation of Great Britain, a printer has been gravely found guilty of a libel, for publishing those resolutions to which the present Minister of that kingdom had actually subscribed his name? To what other cause can you ascribe, what in my mind is still more astonishing, in such a country as Scotland—a nation cast in the happy medium between the spiritless acquiescence of submissive poverty, and the sturdy cre-

dulity of pampered wealth—cool and ardent—adventurous and persevering—winging her eagle flight against the blaze of every science, with an eye that never winks, and a wing that never tires—crowned, as she is, with the spoils of every art, and decked with the wreath of every muse, from the deep and scrutinizing researches of her Hume, to the sweet and simple, but not less sublime and pathetic, morality of her Burns—how, from the bosom of a country like that genius and character and talents, should be banished to a distant, barbarous soil, condemned to pine under the horrid communion of vulgar vice and base-born profligacy, for twice the period that ordinary calculation gives to the continuance of human life?"—From defense of A. H. Rowan for seditious libel.

#### Denunciation of a Witness.

"And shall such a pitiful miscreant, after he has been worked upon by the fear of death and the hope of compensation, be brought out to give evidence against his fellows? Shall the mild and wholesome councils of this government be held over catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up as a witness? Is this a picture created by a hag-ridden fancy, or is it fact? Have you not seen him, after his resurrection from that region of death and corruption, make his appearance upon the table, the living image of life and of death,

and the supreme arbiter of both? Have you not marked when he entered, how the stormy wave of the multitude retired at his approach? Have you not seen how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential horror? How his glance, like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death—a death which no innocence can escape, no art elude, no force resist, no antidote prevent? There was an antidote—a juror's oath!—but even that adamant chain, that bound the integrity of man to the throne of eternal justice, is solved and molten in the breath that issues from the informer's mouth; conscience swings from her moorings, and the appalled and affrighted juror consults his own safety in the surrender of the victim!"—From speech in defense of Finnerty for libel, 1797.

#### Curran's Gratitude.

"Allow me, gentlemen," said Curran, one evening, to a large party, "to give you a sentiment. When a boy, I was one morning playing at marbles in the village of Ball-Alley, with a light heart, and a lighter pocket. The gibe and jest went gladly round, and when suddenly among us appeared a stranger, of a remarkable and very cheerful aspect; his intrusion was not the least restraint upon our merry little assemblage. He was a benevolent creature, and the

days of infancy (after all, the happiest we shall ever see) perhaps rose upon his memory. Heaven bless him! I see his fine form at the distance of half a century, just as he stood before me, in the little Ball-Alley, in the day of my childhood. His name was Boyse; he was the rector of Newmarket. To me he took a particular fancy. I was winning and full of waggery; thinking of everything that was eccentric, and by no means a miser of my eccentricities; every one was welcome to a share of them, and I had plenty to spare, after having freighted the company. Some sweetmeats easily bribed me home with him. I learned from Boyse my alphabet, and my grammar and the rudiments of the classics. He taught me all he could, and then he sent me to a school at Middleton. In short, he made me a man. I recollect, it was about thirty-five years afterwards, when I had risen to some eminence at the bar, and when I had a seat in Parliament, on my return one day from the court, I found an old gentleman seated alone in my drawing-room, his feet familiarly placed on each side of the Italian marble chimney-piece, and his whole air bespeaking the consciousness of one quite at home. He turned round—it was my friend of Ball-Alley. I rushed instinctively into his arms, and burst into tears. Words cannot describe the scene which followed. You are right, sir,—you are right. The chimney-piece is yours—the pictures are yours—the house is yours. You gave me all I have—my friend,—my benefactor! He dined

with me, and in the evening I caught the tear glistening in his fine blue eye, when he saw poor little Jack, the creature of his bounty, rising in the House of Commons to reply to a right honorable. Poor Boyse! He is now gone; and no suitor had a larger deposit of practical benevolence in the Court above. This is his wine—let us drink to his memory!”—Law and Lawyers, page 28.

#### Multiplication of Penal Laws.

“The multiplication of penal laws lessens the value of life, and when you lessen the value of life, you lessen the fear of death.”—From speech in case of Lady Pamela Fitzgerald, 1798.

#### His Industry at College.

“I shall continue to read ten hours every day, seven at law and three at history, or the principles of politics; and that I may have time enough, I rise at half after four. I have contrived a machine after the manner of an hour-glass, which, perhaps, you may be curious to know, which wakens me regularly at that hour. Exactly over my head I have suspended two vessels of tin, one above the other; when I go to bed, which is always at ten, I pour a bottle of water into the upper vessel, in the bottom of which is a hole of such size as to let the water pass through, so as to make the inferior reservoir overflow in six hours and a half. I have had no small trouble in proportioning these vessels, and I was still more puzzled for awhile



how to confine my head, so as to receive the drop, but I have at length succeeded."—From a letter while at London, at school.

#### Invective Against Lord Clare.

"On grounds like these, for I can conceive no other, do I suppose the rights of the city were defended at the time to which I have alluded; for it appears, by the records which I have read, that the city was then heard by her counsel; she was not denied the form of defense, though she was denied the benefit of the law. In this very chamber did the Chancellor and Judges sit, with all the gravity and affected attention to arguments in favor of that liberty and those rights which they had conspired to destroy. But to what end, my lord, offer argument to such men? A little and a peevish mind may be exasperated, but how shall it be corrected by refutation? How fruitless would it have been to represent to that wretched Chancellor that he was betraying those rights which he was sworn to maintain; that he was involving a government in disgrace, and a kingdom in panic and consternation; that he was violating every sacred duty, and every solemn engagement that bound him to himself, his country, his sovereign and his God! Alas! my lords, by what arguments could any man hope to reclaim or dissuade a mean, illiberal and unprincipled minion of authority, induced by his profligacy to undertake, and bound by his avarice and vanity to preserve? He would probably have replied

to the most unanswerable arguments by some curt, contumelious and unmeaning apothegm, delivered with the fretful smile of irritated self-sufficiency and disconcerted arrogance: or even if he could be dragged by his fears to a consideration of the question, by what miracle could the pigmy capacity of a stunted pedant be enlarged to a reception of the subject? The endeavor to approach it would have only removed him to a greater distance than he was before, as a little hand that strives to grasp a mighty globe is thrown back by the reaction of its own efforts to comprehend. It may be given to a Hale or an Hardwicke to discover and retract a mistake: the errors of such men are only specks that arise for a moment upon the surface of a splendid luminary: consumed by its heat, or irradiated by its light, they soon purge and disappear; but the perverseness of a mean and narrow intellect are like the excrescences that grow upon a body naturally cold and dark;—no fire to waste them, and no ray to enlighten, they assimilate and coalesce with those qualities so congenial to their nature, and acquire an incorrigible permanency in the union with kindred frost and kindred opacity. Nor, indeed, my lords, except where the interest of millions can be affected by the folly or the vice of an individual, need it be much regretted, that to things not worthy of being made better it hath not pleased Providence to afford the privilege of improvement."

## His Tilt with Judge Robinson.

When a young man, and struggling with poverty, he had a case to argue in Judge Robinson's court, who owed his elevation to his sycophancy to power and certain miserably written political pamphlets,—and in controverting a position of the opposing counsel, Curran remarked that he had studied all his law books, and could not find a single case where the principle contended for was established. “I suspect, sir,” interrupted the judge,—“I suspect that your law library is rather contracted.” Curran, feeling the sneer at his poverty, looked the judge square in the face, and said: “It is true, my lord, that I am poor, and the circumstance has rather curtailed my library; my books are not numerous, but they are select, and I hope have been pursued with proper dispositions. I have prepared myself for this high profession rather by the study of a few good books than by the composition of a great many bad ones. I am not ashamed of my poverty, but I should be of my wealth, could I stoop to acquire it by servility and corruption. If I rise not to rank, I shall at least be honest; and should I ever cease to be so, many an example shows me that an ill-acquired elevation, by making me the more conspicuous, would only make me the more universally and the more notoriously contemptible.”

To have committed Curran for contempt would have been to acknowledge the application of the sar-

casm; and he was allowed to proceed, but, thinking the matter over. the judge suddenly said: "Sir, you are forgetting the respect which you owe to the dignity of the judicial character." "Dignity?" exclaimed Curran; "My lord, upon that point I shall cite you a case from a book of some authority, with which you are, perhaps, not unacquainted." He then briefly recited the story of Strap, in Roderick Random, who, having stripped off his coat to fight, intrusted it to a bystander. When the battle was over and he was well beaten, he turned to resume it, but the man had carried it off. Curran thus applied the tale: "So, my lord, when the person intrusted with the dignity of the judgment seat, lays it aside for a moment to enter into a disgraceful contest, it is in vain, when he has been worsted in the encounter, that he seeks to shelter himself behind an authority which he has abandoned." "If you say another word, I'll commit you," replied the angry judge; to which Curran retorted: "If your lordship shall do so, we shall both of us have the consolation of reflecting that I am not the worst thing your lordship has committed."—Whipple's *Success and Its Conditions*, page 134; also *Law and Lawyers*, page 26.

The Light of Society, Etc.

"Curran—the light of society—the glory of the forum—the Fabricius of the Senate—the idol of his country."—Charles Phillips.

### More Law in Pocket than Head.

At one time he was opposed in a case by a big bully of a lawyer, who, angered at some of his intellectual thrusts, said he would pick Curran up (who was very small), and put him in his pocket. "Do?" was Curran's quick retort, "and you'll have more law in your pocket than you ever had in your head!"

### At Burns' Birthplace.

Curran, a man whose genius was akin to that of Burns, and whose failing was, alas, the same, visited the cottage in which the poet was born, and said this of it: "Poor Burns! his cabin could not be passed unvisited or unwept; to its two little thatched rooms—kitchen and sleeping place—a slated sort of parlor is added, and it is now an ale-house. We found the keeper of it tipsy; he pointed to the corner, on one side of the fire, and with a most malapropos laugh, observed: 'There is the spot where Robert Burns was born.' The genius and the fate of the man were already heavy on my heart, but the drunken laugh of the landlord gave me such a view of the rock on which he foundered, I could not stand it, but burst into tears."—*Prentis' Kansan Abroad*, page 155.

### As to His Intemperance.

"His deviations from temperance were not frequent, and made but exceptions to his usual habits of sobriety," is the testimony of his friend, O'Regan.

## His Studies.

He studied and practiced oratory daily, reading and speaking alone aloud and slowly. He regarded Antony's oration over Caesar's dead body the most perfect specimen of oratory. Was an admirer of the classics and the Bible. The favorite authors of his youth were Sterne, Junius' Letters and Thompson's Seasons. Was fond of historical studies, and sympathized with the American Revolution. Was an ardent reader of novels all his life, as was O'Connell.

## "Felt Aloud."

Some one has said: "It was not that his reasonings were subtle, his topics imposing or his periods flowing; all of these may be found in others; but what he passionately conceived, he could convey in passion's proper idiom. He 'felt aloud.'"

## Chalking the Size of His Body.

He was once called out by a large, stout brother at the bar, and at last Curran challenged him to fight a duel. The large man objected, on the ground that the match was unfair. "You are so small," said the objecting counsel, "that I might fire at you a dozen times without ever touching you once; whereas the chance is that you shot me at the first fire." "To convince you," said Curran, "that I have no wish to take advantage of you, you shall chalk my size upon your body, and hits beyond the ring go for nothing."  
—Law and Lawyers, page 14.

### Mother Wanted Him to Be a Minister.

His mother regretted that he did not become a minister, instead of a lawyer, and die a bishop, instead of a judge.

### Advice to the Farmer.

A farmer attending a fair deposited £100 with the landlord with whom he stopped. The next day, when he applied for the money, his host affected to know nothing of the business. In this dilemma, the farmer consulted Curran, who advised him to take a friend and go to the landlord, speak civilly to him, and tell him that he must have left it with someone else, and leave another hundred with him. This advice was reluctantly followed. Curran then advised him to go alone to the landlord and ask him for the £100. He did so and got it. Curran then told him to go to him again and ask for the £100, with his friend, who saw him leave it with him. It is needless to say the landlord saw he was caught, and gave it up.—*Law and Lawyers*, page 30.

### His Experience Fighting a Dog.

Curran used to relate with infinite humor an adventure between himself and a mastiff, when he was a boy. He had heard some one say that any person throwing the skirts of his coat over his head, stooping low, holding out his arms and creeping along backwards, might frighten the fiercest dog and put him to

flight. He accordingly made the attempt on a miller's animal in the neighborhood, who would never let the boys rob the orchard; but found to his sorrow that he had a dog to deal with which did not care what end of a boy went foremost, so he could get a good bite out of it. "I pursued the instructions," said Curran, "and as I had no eyes save those in front, fancied the mastiff was in full retreat, but I was confoundedly mistaken, for at the very moment I thought myself victorious, the enemy attacked my rear, and, having got a reasonably good mouthful out of it, was fully prepared to take another before I was rescued. Egad, I thought for a time the beast had devoured my entire center of gravity, and that I should never go on a steady perpendicular again." "Upon my word," said Sir Jonah Barrington, to whom Curran related this story, "the mastiff may have left you your center, but he could not have left much gravity behind him, among the bystanders."—*Law and Lawyers*, page 54.

#### Fought Three Duels.

He fought three duels during his life—with Fitzgibbon, Mr. Egan and Mr. Hobart.

#### Enmity of Lord Clare.

He was said to have lost \$150,000 by reason of the enmity of Lord Clare, who gave it out that Curran stood no chance in his court.



### A High Ecclesiastical Authority.

Curran was once engaged in a legal argument; behind him stood his colleague, a gentleman whose person was remarkably tall and slender, and who had originally intended to take holy orders. The judge, observing that the case under discussion involved a question of ecclesiastical law, "Then," said Curran, "I can refer your lordship to a high authority behind me, who was intended for the church, though in my opinion he was fitter for the steeple."—*Law and Lawyers*, page 138.

### His Power as an Advocate.

"Some of Curran's competitors have excelled in cross-examination, others in denunciation, others in persuasive reasoning. Curran alone excelled in all. He could unravel the most ingenious web which perjury ever spun, could seize on every fault and inconsistency, and build on them a denunciation terrible in its earnestness; could cajole a jury into a verdict when every point of common law and common sense seemed arrayed against him."—*Demis W. Douthwaite*, October, '93, *Green Bag*.

### Braying of an Ass.

A loud-talking attorney to whom Curran was opposed appealed to the sheriff to stop the braying of an ass while he was speaking. Curran observed, "May it please your honor, it is merely an echo."

## His Appearance.

"Curran's person was mean and decrepit, very slight, very shapeless, with nothing of the gentleman about it; on the contrary, displaying spindle limbs, a shambling gait, one hand imperfect, and a face yellow, furrowed, rather flat and thoroughly ordinary. Yet his features were the very reverse of disagreeable. There was something so indescribably dramatic in his eye and the play of his eyebrow, that his visage seemed the index of his mind, and his humor the slave of his will. His very foibles were amusing. He had no vein for poetry, yet, fancying himself a bard, he contrived to throw off pretty verses. He certainly was no musician, but conceiving himself to be one, played very pleasingly. Nature had denied him a voice, but he could sing; and in the rich mould of his capabilities the desire had bred in some degree the capacity."—Barrington's Pen Picture.

## Had Read Last Speech.

"Have you read my last speech," asked a member of Parliament of Curran. The latter, turning away, replied, "I hope I have."

## "Descent into Hell."

"Have you seen my 'Descent Into Hell,' asked a poet. "No," said Curran, warmly, "I should be delighted to see it."

## A Witness' Retort.

"There is no use asking you questions," said Curran to a witness, "for I see the villain in your face."  
"Do you, sir?" said the witness, with a smile, "I never knew before my face was a looking glass."

BENJAMIN ROBBINS CURTIS, MASSACHU-  
SETTS.

(1809-1874.)

Associate Justice of the United States Supreme Court from 1851 to 1857. He was born at Watertown, Massachusetts, November 4, 1809; died at Newport, Rhode Island, September 15, 1874, aged sixty-four. Was a brother of George Ticknor Curtis, the historian of the Constitution. He graduated from Harvard at twenty, and studied in its law department two years under Story and Ashmun, but left without graduation, to practice law at Northfield, but soon removed to Boston, where he became an extensive practitioner. He was appointed to the Supreme Bench by President Fillmore, September 22, 1851, to succeed Justice Woodbury, at the urgent solicitation of Daniel Webster and upon the advice of Rufus Choate. He resigned in 1857, it is said, on account of embittered relations between him and Chief Justice Taney over the Dred Scott case because of changes made by the Chief Justice after filing the opinion. He first won distinction in the defense of the slave child, Med. With William M. Evarts, was

leading counsel for Andrew Johnson in the impeachment trial in 1868. "After Judge Curtis had presented the case of his client," said General Butler, "nothing more was said in his behalf, although in the five or six closing speeches of his other counsel much else was said." He published two volumes of his decisions on circuit and a condensed edition of the United States Supreme Court decisions from its origin to 1854 (22 volumes). Charles Francis Adams pronounced him "the most consummate master of forensic style among American lawyers of recent times;" and Mr. Justice Miller, "the first lawyer of America of either the past or present age." Daniel Webster thought he had laid the people of the nation under lasting obligations when he induced his appointment, and said he possessed the requisites of great power at the bar—"clearness, fullness and force." His decisions (12-19 Howard), fifty-one in number, with thirteen dissents, immortal among which is the Dred Scott case, are in style simple, direct, clear, exhaustive, learned. His receipts from the last seventeen years of his practice were \$650,000.

## Great Men and Deeds.

"The illustrious names and great deeds which centuries have gathered are the richest treasures of a nation. The masterpieces of literature and art dignify the pursuits in which they were produced."—From remarks on death of Daniel Webster: *Life and Writings of B. R. Curtis*, p. 464.

## Confidence.

"In this cold northern soil confidence is indeed a plant of slow growth; but, believe me, sir, when it is grown, it is not to be uprooted by any gusts of passion or prejudice, nor blasted by the breath of suspicion."—From introductory remarks of Judge Curtis in receiving Daniel Webster in Boston, April 29, 1850.

## Will Is Power.

He believed with Dr. Walker that knowledge is not power, but that will is power.

## Essay on the Origin of Evil Written Before Sixteen.

When less than sixteen years old, while at school, he wrote a remarkable essay on the "Origin of Evil," in which he took the position that there are not two powers acting in creation—one evil, the other good—for it was an insult to God to believe that He permitted an evil spirit to overpower and counteract His designs; nor that man is a depraved creature—that God would implant in man a passion the first impulse

of which would be to teach him to break his laws; nor that the sin of Adam was any more the origin of evil than the sin of a father of the present day is the origin of the wickedness of his children. But he believed that the true cause of moral evil is that men conceive that there is some pleasure in sin independent of the crime itself—in other words the temptation is greater than the sinner can bear.—1 *Life and Writings of R. B. Curtis*, p. 25.

#### Why Webster Was Powerful.

"Webster brought to the great debates in which he took part extensive and accurate historical knowledge, especially concerning the Constitution itself; a clearness of conception, comprehensiveness of grasp and logical power never surpassed; and to all these was added a command of the English tongue which for demonstrative oratory has, I think, not been equaled."—From remarks in the United States Circuit Court upon the death of Webster.

#### Bar and Bench—Latter Easier.

"The great difference between my professional labors at the bar and on the bench consists in the entire freedom of the latter from anxiety and burdensome responsibility, and the certainty when I rise in the morning that no one can force me to do anything which I am not equal to."—From letter to George Ticknor when on Supreme Bench: 1 *Curtis' Life*, p. 165.

## Chosen Counsel in Geneva Award.

Upon Judge Curtis' return from Europe in October, 1871, he was selected as one of the counsel for the government of the United States before the Board of Arbitration, soon to sit at Geneva, but he declined the honor on account of pressing private affairs.—*Life and Writings of Curtis*, p. 443.

## What He Said of the Lady to Whom Engaged.

Writing to a classmate in 1831 about his marriage engagement, he said among other things: "I have trusted Miss E. M. Woodward with my happiness for this world, and I know of no greater compliment I could pay her."—*Idem*, p. 53.

## A Lawyer's Business.

"A lawyer can no more regulate the amount of business he will do than an engineer can blow a barrel of gunpowder half-way down."—Letter to his uncle, George Ticknor, 1837: *Idem*, 78.

## Embittered Correspondence Between Curtis and Taney.

After his dissent in the great case of *Scott v. Sanford* quite a bitter correspondence arose between Judge Curtis and Chief Justice Taney, caused by Taney's interpolating some eighteen pages into the majority opinion of the court, written by the Chief Justice, as Judge Curtis says (see



Life and Writings of B. R. Curtis, p. 229-30), after the delivery of the opinion and before filing it, which, by the rules of the court, he was required to do at once. And also because of an order given the clerk of the Supreme Court by Taney not to let any one have a copy of the Chief Justice's decision until it was officially printed in the reports, thus excluding Judge Curtis, who wished to look it over.—Life and Writings of B. R. Curtis, p. 192-242, inclusive.

#### Trial by Jury.

"There is no field for a lawyer which, for breadth and compass and the requisitions made on all the faculties, can compare with a trial by jury; and I believe it is as true of a judge as of a lawyer, that in the actual application of the law to the business of men, mingled as it is with all the passions and motions and diversities of mind, temper and condition in the course of a trial by jury, what is most excellent in him comes out, and finds its fitting work, and whatever faults or weaknesses he has are sensibly felt."—Letter to Daniel Webster, November 16, 1851: *Idem*, p. 157.

#### "Opinion Books."

Judge Curtis, during the seventeen years of his practice after resigning the Supreme Court Justiceship, kept and made what he called his "Opinion Books"—two folio volumes, filling nearly one thousand closely written pages.—*Idem*, p. 266.

## The Bible.

When practicing law in Northfield some one had left an open Bible on the table. The sheriff playfully remarked that that was a strange book for a lawyer to be seen reading. Mr. Curtis replied: "Then I pity the lawyers; for those who are ignorant of the principles inculcated in that book cannot be thoroughly furnished for the duties of their profession."—*Idem*, p. 326.

## Reverdy Johnson's Opinion.

"His analytical and logical powers were never surpassed. I have never known a mind more peculiarly fitted for judicial duties."—Reverdy Johnson.

## Webster's Opinion Of.

"He is very clever, with very competent learning; his great mental characteristic is clearness; and the power of clear statement is the great power at the bar. Chief Justice Marshall possessed it in a most remarkable degree; so does Lord Lyndhurst. If to this character of clearness you add fullness and force, you make a man, whether as a lawyer, an historian, or, indeed, a poet, whose discourse or writing merits the application of those lines of unsurpassed beauty in Denham's 'Cooper's Hill':

"Though deep, yet clear; though gentle, yet not dull.  
Strong without rage; without o'erflowing, full."

I think the judgment of Lord Mansfield came

the nearest to his high standard."—Daniel Webster: Harvey's Reminiscences, p. 118.

Made \$650,000 in Seventeen Years.

Justice McLean's prediction that Curtis might "feel a little awkward at the bar" (his being the first case where a member of the Supreme Bench had gone back to practice), proved incorrect, for within a week after his resignation took effect, he received seven retainers in important cases. During the seventeen years following his resignation his professional receipts were about \$650,000.—*Life and Writings of Curtis*, 268.

Offered United States Attorney Generalship in 1868.

Was tendered the Attorney Generalship of the United States in June, 1868, when the Senate failed to confirm Henry Stanbery's second appointment to that office. But Judge Curtis declined, saying: "There is no public office which I shall ever be induced to accept willingly, and I shall never accept one save from such imperative commands of duty as I cannot resist."—*Idem*, p. 419.

## GEORGE M. CURTIS, NEW YORK.

(1843. —.)

"The Will Smasher of New York." Born in the State of Massachusetts in 1843. Is of paternal Irish and maternal Scotch-Italian descent. Had but few school privileges. Entered the service of his country when but eighteen, at the breaking out of the war; received an honorable discharge; entered the law office of the Hon. John W. Ashmead, an eminent advocate in New York city, and was admitted at twenty-one. Was a member of the Legislature at twenty, Assistant Corporation Attorney and elected Judge of the Marine Court at twenty-four, in which office he served the full term of six years. He has repeatedly refused judicial and congressional honors, preferring above all things, the life of an advocate.

He has appeared in nine States in celebrated causes, and has the distinction of appearing in forty-six murder cases, none of his clients ever suffering capital conviction except one, Charles McElvaine, whose case is now pending in the United States Su-

preme Court. Some of his noted cases are: The Friedman, Bouden, Leslie, Anderson and Lane will cases; the Rhinelander, Coffin and Lane lunacy cases; Kentucky v. Buford, for murder at Owentown, Kentucky, saving Buford from the gallows; Pennsylvania v. Riddle; the Atlas Steamship case; the "Jeannette Inquiry," the Louisiana Lottery case, and many cases for Dr. Helmbold.

Judge Curtis was the first lawyer to take the position that a person in the last stages of Bright's disease, when uremic convulsions have intervened, was incapable of making a valid will. This is now the recognized principle of medical jurisprudence, wherever the English law prevails. He is a man of generous and large hearted impulses, rich and varied vocabulary, passionate and transcendent eloquence, and clear and musical voice. He is a remarkable stump speaker, and a frequent contributor to the legal and medical journals. His large and lucrative practice has been in all fields of the law, but his labors are now chiefly confined to those of counsel.

## Tribute to Woman—"Buford Defense."

In the Buford murder case, at Owentown, Kentucky, there being several ladies present, Judge Curtis said, in reference thereto:

"It is fit that this sad and solemn occasion should be softened and graced by the divine presence of the fair. To what spot does mercy, as typified in the form of woman, so readily repair as to the scene of misery and anguish. Bulwer has most truly and beautifully said: 'There is no government that can perish; there are no institutions that can be destroyed, if the patriotism of man be as true and sincere as the silent loyalty of woman.'"—From speech, 1879, in defense of Colonel Buford for the shooting of Judge Elliott, of the Kentucky Court of Appeals.

## Tribute to the Irish—"Jeannette Inquiry."

"True, Jerome J. Collins belonged to an impulsive race, 'who have won every battle but their own,' and he warmly resented any slight or insult offered to his dear, native land. Robert Emmet's epitaph may never be written, but so long as valor and truth are worshipped in the human heart, the name of Ireland and the Irish will not perish among the nations of the earth. Our martyr sleeps not in the soil of the stranger, but in the land of his birth and of his fathers. Side by side with that beloved mother whom he so venerated and honored, he is returning to dust; permit his friends to write over the epitaph

that records his life, his sufferings and his virtues, the word that will typify all the vengeance we seek for his murder and betrayal—Vindicated.”—From speech in the “Jeannette Inquiry,” before a committee of the United States Congress.

Successful Verdict Getter.

“He is a celebrated criminal lawyer, and a very successful verdict getter.”—Irving Browne.

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## JOHN WARWICK DANIEL, VIRGINIA.

(1842- —)

He has gained a high reputation as an orator, advocate and legal author. Born in Lynchburg, Virginia, September 5, 1842. Received a classical education at Lynchburg College and Dr. Gessner Harrison's University School; served throughout the war in the confederate army, rising to be Major Adjutant General in Early's division of the army of Northern Virginia. Was several times wounded, and crippled permanently by a wound received in the battle of the Wilderness in 1864. Studied law first in the office of Judge James Garland, an eminent jurist, and then for one year, 1865-6, at the University of Virginia; entering upon practice at Lynchburg in 1867, in partnership with his father, William Daniel, Jr., who had been for many years previously a Judge of the Supreme Court of Virginia. His grandfather, William Daniel, was a Judge of the General Court of Virginia. The subject of this sketch was a member of the Virginia House of Delegates in 1869-70 and 1871-72, and of the State Senate from 1875 to 1881. He



was an Elector-at-Large on the Tilden and Hendricks ticket in 1876. Was a member of the National Democratic Conventions of 1880 and 1888. Ran for Governor of Virginia in 1881, but was defeated by W. E. Cameron, the readjuster. Was elected to the House of Representatives in 1884, and to the United States Senate in 1885, succeeding William Mahone, and was unanimously re-elected in 1891.

Mr. Daniel has written "Daniel on Attachments" (1869), and Daniel on "Negotiabe Instruments"(1876), the latter having passed through four editions. He has gained high reputation as an advocate, and has had a large practice in the various courts and in the Supreme Court of Appeals. He has delivered many orations and public addresses, but has continuously kept up his legal studies. As an orator he is magnetic, soul-stirring and enchanting. His debate upon the silver question in the special session of Congress in 1893, was said to be one of the most exhaustive and powerful delivered in the Senate.

#### Negotiable Paper.

"Fortunes, vaster in amount than the dowries of monarchs, are daily committed, in our commer-

cial cities, to the keeping of those frail, but precious fabrics known as negotiable papers. With good faith crowned as their patron goddess, and fortune as their ward, they attract to their consideration and protection, not only the hunters of wealth, but as well the good who cherish sentiments of integrity, and the learned and great who expound the principles by which it shall be jealously guarded and maintained."

- 2 Dan. Neg. Inst., p. 828 (4th ed.)

#### Development of Negotiable Instruments.

"The pioneer who stood on the borders of our Western civilization thirty years ago, and who to-day sees the same landscape, then covered with primeval forests or stretching wide in solitary prairies, now brilliant with gorgeous cities, and teeming with the industries of crowded millions, recognizes a change not more marked than that which has been exhibited in the rapid and diversified development of negotiable instruments.—From preface Dan. Neg. Inst., IX.

## CUSHMAN KELLOGG DAVIS, MINNESOTA.

(1838- —)

United States Senator for Minnesota. He was born in Jefferson county, New York, June 16, 1838. Moved with his parents when a child to Waukesha, Wisconsin; attended Carroll College, and graduated from Michigan University in the class of 1857; studied law and began practice in 1859 at Waukesha. He enlisted in the service of the war in 1862, and became First Lieutenant in the Twenty-eighth Wisconsin, and Acting Adjutant General for General Gorman; left the army on account of typhoid fever. He settled in the practice of his profession at St. Paul, where he has acquired the reputation of being one of the first lawyers of the Northwest. In 1867, he was a member of the Legislature, and from 1868 to 1875, United States District Attorney for Minnesota. In the fall of 1873 he was elected Governor of Minnesota, the youngest man ever elected chief executive of that State. He declined re-nomination. Elected United States Senator in 1887, and re-elected by the

Legislature in 1893; made LL. D. by Michigan University in 1886.

He is the head of the popular law firm of Davis, Kellogg and Severence. His practice in the State and Federal courts has been large, not abating because of his duties as Senator. He appeared as counsel six times within a year in as many different cases in the United States Supreme Court in 1890. As a lawyer, he is quickly interested when there is an intimation of wrong in the complainant's story. He makes the grievances of others his own and sifts matters to the bottom.

He has found time during his official and professional life to devote much thought to literature, and has been a close and ardent student of Shakespeare, "The Law in Shakespeare," coming from his pen in 1884. He has also delivered many lectures, upon historical subjects, which rank him among the first in literary circles of the country, the best known of which is "Modern Feudalism" (1870). He is a man of medium build, with a courteous demeanor, a kindly eye, and is an attentive listener.

## The Great Railroad Strike of 1894.

"To talk about withholding the assertion of Federal authority till other means could be used for the settlement of the labor contest peacefully, is like proposing to have the proceedings at the battle of Gettysburg suspended until General Lee and the other confederate chieftains could arrange some program for the peaceful perpetuation of slavery and the definite recognition of the right of secession. What folly it is to adopt one moral standard for the sea and another for the land; and yet, if the offences against life, liberty and property committed by the Chicago rioters had been committed on the high seas, their perpetrators would have been condemned for piracy and dealt with accordingly. Look at the logic of the case from another side, five millions of the people of the United States, forty-five per cent. of the producing population of the United States, are farmers. If any one class of the community have a right to call themselves distinctively 'the people of the United States,' it is the farmers. Have the farmers asked for this strike? Do they sympathize with it? Were they consulted as to its beginning or as to whether it should be kept up? No! It is the farmer who suffers every day by it. He cannot send his produce to market. It perishes on his hands, while consumers are seeking a chance to purchase it. The farmer may always be looked for on the side of law and order and

the perpetuity of popular institutions, as against every form of anarchy and oppression."—Extract from speech by Mr. Davis in the United States Senate.

### Cross-Examination.

"1. Discount by at least twenty-five per cent. what your client says he himself will swear to.

2. Do as little cross-examination as possible. Never, on cross-examination, ask a question when you do not know what the answer must be if the witness is honest; and, if he is a liar, don't ask the question unless you are ready to ruin him with contradiction by facts in evidence, or by other witnesses. I have seen more good cases ruined by cross-examination, by the lawyer who ought to have suppressed his curiosity or vanity, than by any other cause."—Tact in Court, p. 86.

## JOHN FORREST DILLON, NEW YORK.

(1831. —)

Eminent as lawyer, author and jurist. Born amid humble surroundings in Montgomery county, New York, December 25, 1831. He removed to Iowa with his parents when eight. Graduated a doctor of medicine from Iowa University and practiced six months. He then began the study of law, being admitted at twenty-one; elected Prosecuting Attorney the same year; Judge of the Seventh Judicial District of Iowa in 1858; re-elected in 1862, but before the expiration of his term he was elected to the Supreme Bench of the State for six years, during the last two of which he was Chief Justice. Mr. Dillon was re-elected in 1869, but in December of that year was commissioned by President Grant United States Circuit Judge of the Eighth Judicial Circuit. He resigned in 1879 to become professor of real estate and equity jurisprudence at Columbia College, New York, to which place he moved that year. At the same time, the Union Pa-

cific Railway tendered him the position of General Counsel.

He has a national reputation as a conscientious, careful, upright judge, as a learned writer on the law, and as a practitioner in the front rank of the profession. His principal literary work is his treatise on "Municipal Corporations," styled by Justice Bradley, "A legal classic," and by Irving Browne as "A work that will live alongside of Kent, Story, Washburn, Parsons and Greenleaf." He is the author of five volumes of United States Circuit Court Reports (1871-80), and several other treatises. His last work, "The Laws and Jurisprudence of England and America," being a series of lectures delivered before Yale University, is a most delightful book with a serious purpose. Mr. Dillon is a member of the Institut de Droit International, and of the association for the reform and codification of the law of nations. During the last ten years he has appeared in some of the most important causes in the Supreme Court of the United States, and it is thought he argues more cases there than any other lawyer in the country not resident in Washington.



### The Common Law.

"The common law, as well as the institutions which it developed, or alongside of which it grew up, is pervaded by a spirit of freedom, which distinguishes it from all other systems and peculiarly adapts it to the institutions of a self-governed people."—1 Munic. Corp., p. 1.

### Liberty and Prosperity.

"Liberty and prosperity ever go hand in hand."—1 Munic. Corp., p. 11.

### Two Forces in Society.

"Two forces in society are in constant operation, and are necessary to its welfare, if not to its very existence; the conservative force, to preserve what is worth preserving; the progressive, without which we would have stagnation and death."—Extract from address before National Bar Association, August 22, 1894, at Saratoga Springs, on "The True Professional Ideal."

### The Ideal of the True Lawyer.

"The true conception—ideal, if you please, of the lawyer, is that of one who worthily magnifies the nature and duties of his office; who scorns every form of meanness or disreputable practice; who, by unwearied industry, masters the vast and complex technical learning and details of his profession; but who, not satisfied with this, studies the eternal prin-

ciples of justice as developed and illustrated in the history of the law, and in the jurisprudence of other times and nations, so earnestly that he falls in love with them, and is thenceforward not content unless he is endeavoring by every means in his power to be not only an ornament but a help unto the laws and jurisprudence of his State and Nation."—Idem.

#### David Dudley Field.

"Look at David Dudley Field's public labors in municipal and international law, extending from 1839 to 1894, and what lawyer in this country, dead or living, has ever dedicated half as many years as he to conscientious and unselfish efforts to improve our laws and jurisprudence? In this view, he stands without a peer. \* \* \* He had lofty professional ideals of the lawyer's duty towards the law. \* \* \* Of the present, he regarded himself, if I may phrase it, as a tenant for life, but with a reversion in fee in the limitless future. \* \* \* Only men of the higher type can turn as turn he did to the future, see it spread itself out before their enraptured gaze, feel themselves fanned by its intoxicated breezes, behold its sunlight heights glorified and beautiful, and proudly feel that it, too, is their inheritance."—Idem.

#### Ideal of a Modern Judge.

"The true ideal of a modern judge is no longer a figure with bandaged eyes, but rather the figure of

one who carries in his upraised hand the torch of truth lighted from on high, and who, throughout the arguments of counsel and in the maze and labyrinth of adjudged cases, walks ever with firm step in the illumination of its constant and steady flame."—Suggested by the Statue of Liberty in New York Bay: *Laws and Jurisprudence of England and America*, p. 188.

#### A Legal Right.

"Nothing is a legal right unless it implies a capacity residing in one person of controlling, with the assent and assistance of the State, the actions of others; and that which gives validity, or at least effect, if not existence, to a legal right, is in every case the force which is lent to it by the State."—*Idem*, 12.

#### A Law Abiding Citizen.

"A man who acts according to the dictates of his conscience will usually be a law abiding citizen."—*Idem*, 14.

#### Bacon.

"If regarding Bacon in the aspect of his varied and wonderful powers and achievements in science, philosophy, literature and law, in each of which he was pre-eminent, we assign to him the intellectual primacy, it would be easier to deny his title than to disprove it."—*Idem*, p. 46.

### A Lawyer's Life.

"It is considerations of justice and right that make up the web and woof and form the staple of a lawyer's life and vocation."—Id. 17.

### Works of the Mind.—Immortal.

"The works of our hands are perishable; only the creations of the intellect have the heritage of immortality."—Idem, 49.

### Judiciary.

"It is not too much to say that a stable and independent judiciary is the strongest hope of our own country. \* \* \* The mode of selection is not so important, perhaps, as the tenure and compensation; the one should be during good behavior, and the other adequate and beyond legislative diminution."—Idem, 119-20.

### The Common Law.

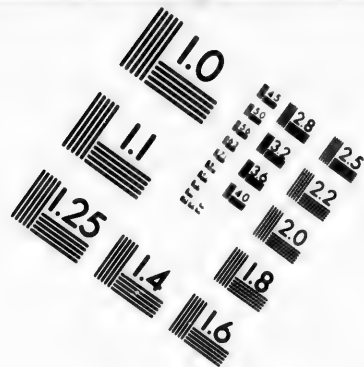
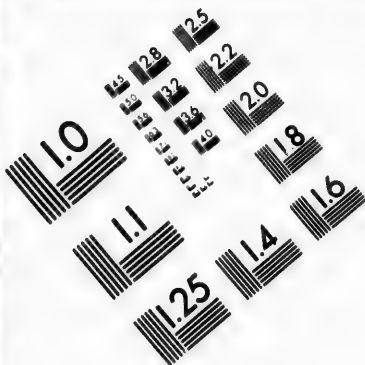
"The common law is the basis of the laws of every State and Territory of the Union, with comparatively unimportant and gradually waning exceptions."—Idem, 155.

### Ideal Justice.

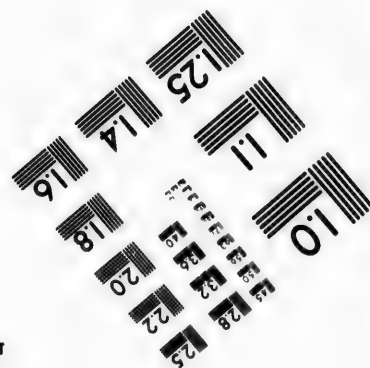
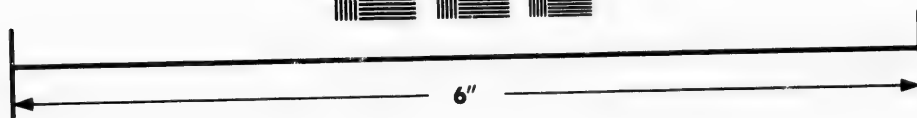
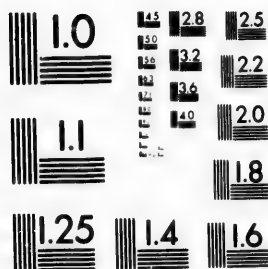
"The most satisfactory ideal I have ever been able to form of justice is embodied in the picture of a judge courageous enough 'to give the devil his due,'







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whether he be in the right or in the wrong."—Idem, 152.

#### The Justice of the Peace.

"He may be prone to make technical mistakes; but in general he manages, by himself or the jury, to work out substantial justice in the decision of the disputes arising out of the every-day affairs of the people."—Idem, 161.

#### The United States Constitution.

"Unmatched and matchless instrument; bulwark and guaranty of national life, of general prosperity, and of countless blessings,—making the States and the people thereof one great, free, happy, united nation!"—Idem, 165.

#### The Jury System.

"In my judgment the jury is both a valuable and essential part of our judicial and political system.  
\* \* \* Twelve good and lawful men are better judges of disputed facts than twelve learned judges."  
Idem, 167-8.

#### Marshall's Judgments.

"Marshall's judgments upon the National Constitution are among the most original and massive works of the human reason. They are almost as important as the texts of the Constitution which they expound. \* \* \* It is remarkable that on not one

of his many judgments has been written the word 'over-ruled,' and equally remarkable that no political party proclaims or holds tenets or doctrines inconsistent with the principles on which those judgments rest."—Idem, 165.

Blackstone's Commentaries.

"He did a great work; he did it well. Its merits are the best known to the careful student who appreciates the confused and dispersed condition of statutes and decisions which it reduced to order and constructed into one of the most beautiful, noble, and symmetrical outlines of a complex system ever produced by the mind of man."—Idem, p. 307.

Blackstone Should be Read Once a Year.

"If in the presence of the cares and toils which are the common lot of the successful lawyer, you will make it a point every year once to read the 'Commentaries of the Laws of England, by Sir William Blackstone, Knight, one of the Justices of His Majesty's Court of Common Pleas,' you will thank me as often as you shall complete the reading for the advice I have thus ventured to give."—Idem, p. 312-13.

Chancellor Kent.

"As a judge and author, he will not suffer when compared with the greatest names which have adorned the English law. Higher praise is not possible to give. \* \* \* Simple as a child in his

tastes and habits throughout his tranquil and useful life; more than any other judge the creator of the equity system of this country; the author of Commentaries which, in accuracy and learning, in elegance, purity, and vigor of style, rival those of Sir William Blackstone, his name is admired, his writings prized, and his judgments at law and in equity respected in every quarter of the globe (and nowhere more than in England), wherever in its widening conquest the English language, which is the language of freedom, has carried the English law."—Idem, 379.

#### A Tribute to Dillon.

"Judge Dillon is one of the greatest lawyers which this country has ever produced, and his opinions and writings are absolutely pellucid."—Judge T. Lyle Dickey, of Illinois Supreme Court.

#### Dillon's Municipal Corporations.

"Municipal Corporations—the greatest law work of the age."—Board of directors' response to Judge Dillon's presentation of the work to the James Grant Law Library Association, Davenport, Iowa.

The work had yielded its author nearly \$40,000 up to Nov. 2, 1892.

## JOSEPH NORTON DOLPH, OREGON.

(1835- —)

Eleven years a United States Senator from Oregon. Born near Watkins, New York, October 19, 1835. He worked on his father's farm till sixteen, when he became a lock-tender on the Chemung canal, and was dubbed "The Boy Lock-Tender." At eighteen he began school teaching which he followed for eight years, at which time he was admitted to practice law at Binghamton, New York, having previously read with Jeremiah McGuire, at Havana, New York. He accompanied "The Oregon Escort" to the Pacific coast, acting as orderly sergeant, and arrived in Portland, Oregon, October 31, 1862, possessed of ten dollars, hope and grit. Here he entered unswervingly into the practice of law, which grew extensive and lucrative. In 1863 he formed a partnership with John H. Mitchell, and in October, 1864, was elected city attorney of Portland, while absent from the city, and so creditably filled the position that his salary was doubled, unasked. In 1865 President Lincoln appointed him United States District Attorney. He

was eight years a member of the State Senate. Upon the election of Mr. Mitchell to the United States Senate in 1872, the firm of Dolph, Bronaugh and Dolph, with Joseph N. Dolph as senior member, was established, and in 1883 he took his seat in the United States Senate, where he has since served.

The firm of Mitchell and Dolph were attorneys for the Oregon and Central, and the Oregon and California Railroad companies, and for Ben. Halliday's large vessel and railroad interests. Mr. Dolph was also counsel for the Oregon Steamship company, the Oregon Railway and Navigation company, the Oregon Improvement company, the Oregon Transcontinental company, and other corporations organized by Henry Villard to carry out his plans. He was instrumental, by his legal acumen and boldness, in securing Oregon for Hayes in 1876. As a speaker he is forcible, clear and logical rather than eloquent. He has realized a fortune from his practice, which has not abated since his Senatorial service. In January, 1894, he gave a scholarly address before the New York Bar Association at Albany on "Law Reform."

### The Law a Human Institution, Hence Imperfect.

"Many of the dreams of the idealists are impracticable and visionary. International arbitration will never wholly supplant the arbitrament of the sword. Exact, speedy justice will never be secured under any system of jurisprudence that can be devised which must be administered by fallible men and applied to practical affairs. The law must continue to be a human institution, affected by all the imperfections of man. Reform must be hoped for, and secured in the future, if at all, through the same agencies and in the same directions as in the past."—From an address on "Law Reform," before N. Y. Bar Ass'n, Jan. 16, 1894.

### Politics—Destiny of Government.

Politics cannot be safely left to professional politicians and the corrupt and purchasable elements of society. The destiny of this government is in the hands of the masses.—*Idem*.

### Lawyers as Presidents, etc.

"Of twenty-three Presidents, seventeen have been lawyers. Of sixteen Vice Presidents, twelve were lawyers; one a merchant; one a printer; and one a banker. Of thirty-three Secretaries of State, twenty-nine have been lawyers; two, editors, and two had no profession. Of forty-one Secretaries of the Treasury, thirty-six have been lawyers; one belonged to the military profession; one was an editor; one, a

manufacturer; and one had no profession. Of forty-four Secretaries of War, twenty-seven were lawyers; three, physicians; seven were of the military profession; one an editor; and two were authors. Of thirty-four Secretaries of the Navy, twenty-three were lawyers; two, merchants; two, authors; one, a druggist; one was from the navy; and five had no profession. Of seventeen Secretaries of the Interior, fifteen were lawyers; one was a merchant; one, an editor. Of thirty-five Postmasters General, twenty-four were lawyers; one, a physician; one was from the military profession; one, a tanner; one, an editor; one, a manufacturer; two were printers; one was a professor; and two had no profession. The forty-three Attorney Generals have all been lawyers. The proportion of lawyers in legislative bodies is scarcely less significant. In the present United States Senate, of the eighty-five Senators of which that body is now composed, sixty-five are lawyers. In the House of Representatives there are two hundred and forty lawyers."—*Idem*.

#### Qualifications for Judge.

"A judge should possess integrity, courage, capacity, learning and experience (and I would class the importance of these qualifications in the order named), and should be chosen as Federal judges are."—*Idem*.

STEPHEN ARNOLD DOUGLAS, ILLINOIS  
(1813-1861.)

The "Little Giant." Born in Brandon, Vermont, April 23, 1813; died in Chicago, June 3, 1861, aged forty-eight. His father, a physician, died when he was two months old. Brought up on a farm, attending school winters and working summers till fifteen; learned the cabinet trade; moved to Ontario county, New York; attended academy at Canandagua; began the study of law at nineteen; left for the West at twenty, visiting Cleveland, Cincinnati, Louisville, St. Louis and Jacksonville. Failing to find employment, he walked to Winchester, Illinois, arriving there with thirty-seven and a half cents in his pocket. As auctioneer's clerk he earned six dollars in three days. Taught school, reading law and practicing before justices on Saturdays. Began practice in Jacksonville, having been admitted to practice in the Supreme Court when seven weeks under twenty-one (of which court he was a judge within seven years). Within ten years after his advent into the State, he had been Attorney General (before twenty-two, mem-



ber of the Legislature, the youngest member in that body), Register of the Land Office, Secretary of State, and Judge of the Supreme Court (before twenty-eight). Was three times elected to Congress, and in 1847 to the Senate, where he remained till his death. Received 1,375,157 votes for President in 1860, while Abraham Lincoln received but 1,866,352.

Said he owed more to his enemies than to his friends. As a lawyer and judge, he was bold,ashing and courageous, yet level-headed and well informed, no indictment while he was State's Attorney ever being quashed, and but one decision while judge being reversed. He was recognized as one of the ablest practitioners before the Supreme Court; but it was as a statesman and expert and successful party manager that he won his great renown. Says James G. Blaine: "In parliamentary discussion it is not easy to overestimate the power of Mr. Douglas. Indeed, It would be difficult to name his superior." He was five feet six, strongly built and capable of great mental and physical exertion; genial, popular, influential, liberal and thriftless.

### Squatter Sovereignty.

"I believe the people have a right to do as they please when they form their constitution, and, no matter what domestic regulations they may make, they have a right to come into the Union, provided there is nothing in their constitution which violates the Constitution of the United States."—From speech on the Wilmot proviso in United States Senate, 1850.

### Owed More to Enemies Than Friends.

"I sincerely doubt whether I owe most to the kind and efficient support of my friends (and no man similarly situated ever had better and truer friends) or to the violent, reckless and imprudent opposition of my enemies." (Said by Douglas in speaking of the abuse of him by the Jacksonville "Patriot," which gave him such notoriety after his Democratic speech made after being in the city but two weeks, that collections to the extent of thousands of dollars poured in upon him immediately from persons he had never seen or heard of.)

### A True Democrat.

"No one can be a true Democrat without being a patriot."

### His Last Words.

"Obey the laws and uphold the Constitution." These were his last coherent words—a message to his sons.

### His Stature.

When Mr. Douglas went to the United States Senate in 1847, Mr. Lincoln was in the House—the one was the shortest man in the Senate, the other the tallest man in the House.—Holland's *Life of Lincoln*, p. 101.

### Executive Control of Senate.

"I hold that an attempt to control the Senate on the part of the Executive is subversive of the principles of our Constitution."—In Alton, speech with Lincoln, 1855.

### The Negroes' Rights.

"This government of ours is founded on the white basis. It was made for the white man, for the benefit of the white man, to be administered by white men, in such manner as they should determine. It is also true that a Negro, an Indian, or any other man of inferior race to a white man, should be permitted to enjoy, and humanity requires that he should have all the rights, privileges and immunities which he is capable of exercising, consistent with the safety of society."—Debate with Lincoln.

### Tribute to Lincoln.

"During my sixteen years in Congress, I have found no man in the Senate whom I would not rather encounter in debate than Lincoln."—Morse's *Life of Lincoln*, p. 150.

### While Douglas Was Teaching, Lincoln Was Keeping a Grocery Store.

Douglas, in a joint debate with Lincoln, before the latter's election to the Presidency, among other things, said when he was teaching in Illinois he knew Lincoln well; that he kept a little country store, with a grog-shop in the back end of it, and that he made a very fair store-keeper. Lincoln in reply said it was true that in his early days he kept a grocery store out on the plains of Illinois, and that it had a grog-shop in the rear, but that the most distinct remembrance he had upon that subject was that Judge Douglas, so far as the rear end of the store was concerned, was the best customer he ever had.

### Coat-tails Too Near Ground for President.

Thomas H. Benton, who was of great frame himself, was accustomed to tell his friends that Stephen A. Douglas could never become President, because his coat-tails came too near the ground.—Nov., 1894, *Chautauquan*, p. 189.

### I'll Go to Church.

"It is now Sunday morning—I'll go to church, and you may go to hell!"—Douglas' parting words to an infuriated crowd to whom he had explained his vote on the Fugitive Slave Law, in October, 1850, at Chicago, after speaking from 8 P. M. of Saturday until 12:15 A. M. Sunday.

### His Assurance and Overbearing Manner.

"Mr. Douglas' experience in debate, his easy audacity and assurance, his great ability, his strong will, his unconquerable ambition, and his untiring industry, made him a most formidable antagonist. He had unlimited self-confidence, which not unfrequently made him arrogant and overbearing."—J. G. Holland in *Life of Lincoln*, p. 136.

### Most Noted Man in the Country from 1852 to 1860.

"From 1852 to 1860 Douglas was the most noteworthy man in public life in the country. Webster, Clay and Calhoun had passed away. Seward, Chase and Sumner, still in the earlier stages of their brilliant careers, were organizing the great party of the future. This interval of eight years belonged to Douglas more than to any other one man. He had been a candidate for the Democratic nomination for the Presidency in 1852, and again in 1856; and had failed to secure it in part by reason of that unwritten rule whereby the leading statesmen are so often passed over, in order to confer the great prize upon insignificant and therefore presumably submissive men. Douglas was not of this type; he had high spirit, was ambitious, masterful and self-confident; he was also an aggressive, brilliant and tireless fighter in a political campaign, an orator, combining something of the impressiveness of Webster with the readiness and roughness of the stump speaker. He had a thorough familiarity with all the politics, both the

greater and the smaller of the time; he was shrewd and adroit as a politician, and he had as good a right as any man then prominent in public life to the more dignified title of statesman."—Morse's *Life of Lincoln*, 106.

His Re-Election to the United States Senate in 1858  
a Personal Triumph.

"There is on the whole hardly any greater personal triumph in the history of American politics than his re-election in 1858."—Arnold's *Life of Lincoln*, p. 149.

GEORGE FRANKLIN EDMUNDS, VERMONT.  
(1828- —)

One of the great Constitutional lawyers of the Nation. Born at Richmond, Vermont, February 1, 1828. He is the son of a farmer, and had but a village school education and instruction from a private tutor. Admitted to the bar when twenty-one, and two years later moved to Burlington, where he now resides. He soon won renown in his profession. Was twelve years a member of the Legislature, serving three years as speaker of the House, and becoming president pro tempore of the Senate. Succeeded Senator Foot in the United States Senate, of which body he was a useful and conspicuous member for twenty-five years, being a member and a number of times chairman of its judiciary committee, and its president in 1883. Resigned in 1891, on account of his daughter's health. He was senior member from the Senate of the Electoral Commission in 1877 which seated Hayes, and Republican candidate for President in 1880 and 1884, receiving thirty-four and ninety-three votes respectively for the Presidency. Declined the

offer of an appointment of Associate Justice of the United States Supreme Court, at the hands of President Arthur, March 11, 1882.

Mr. Edmunds is said to have been almost the only exception to the rule that a United States Senator's practice in the Supreme Court soon dwindles, he appearing thirty-three times in the 140, 142, 143 and 144 United States Reports. His opinion has been sought for years on grave constitutional questions. His literary attainments are extensive, and his knowledge of civil and parliamentary law is unrivaled. In style he is simple and weighty; possesses ready resources, keen wit, quick perception, and it was said that while in the Senate "any member would rather meet a dozen other Senators in debate than Edmunds alone." He is a Jesuit—cold, ascetic and tricky. A master of the black art in oratory and legislation; cruel, tireless and vindictive, is plain, undignified, tall and slender, and looks like Titian's picture of St. Jerome.



Recommended as the Best Talent in the United States  
by Butler.

When the legal tender cases were under discussion, and Benj. F. Butler declared the issue of greenbacks since the war was constitutional, Mr. Crittenden, of Brooklyn, New York, insisted upon Mr. Butler's defending the suit, but Butler said it was better that he should not because it should be divested of politics, remarking: "You had better get the best talent you can to argue your side of the question in the Supreme Court." Whom would you suggest?" said Crittenden. "I would suggest that you get Senator Edmunds if you can." Mr. Edmunds was accordingly gotten.

LORD ELDON (JOHN SCOTT), ENGLAND.  
(1751-1838.)

Pronounced by Lord Campbell "above all the judges of his time." Lord High Chancellor. Born at Newcastle-upon-Tyne, June 4, 1751; died in London, January 13, 1838, aged eighty-six. Educated at Newcastle schools and Oxford, where he forfeited his fellowship by a runaway marriage; entered the Middle Temple, 1773; called to bar, 1776. A few years of intense study and comparative poverty ensued, rose at four and studied late into the night, binding a wet towel around his head to keep awake, and copied Coke twice; said it was toil and labor like climbing a high hill, but then the whole law-world was before him. He argued unsuccessfully the leading case of *Ackroyd v. Smithson* before Sir Thomas Sewall, Master of the Rolls, 1778; but successfully, on appeal before Lord Thurlow, 1780. This case and the Clitheroe election case were the foundation of his fortunes. Member of the House of Commons for seventeen years (1783-99). Was knighted, 1788, and made Solicitor General, and Attorney General in 1783, conduct-

ing the great State Trials of Horne Tooke, Hardy and others, and realizing yearly during the six years in office from \$50,000 to \$60,000. Chief Justice of Common Pleas, 1799, and entered House of Lords as Baron Eldon. Lord Chancellor, 1801, which position he held for twenty-six years, with the exception of one year held by Erskine. For twenty years, in everything but name, he was Prime Minister. Made an Earl, 1821. Died worth \$2,500,000.

As a statesman, his conservatism, intense and narrow, has received little sympathy from posterity. Was said by Whipple to have "combined Thurlow's bigotry with Hardwicke's courtesy." The excesses of the French Revolution and subsequent continental disturbances, of which he was an eye-witness, explain it, and it is far from clear that England was not benefited by it. As a judge the soundness of his decisions has been universally admitted. No lawyer since Coke ever had the English law so totally a part of him. His delays have been censured, but wisdom is not to the swift.

## Christianity.

"Christianity is part of the law of England."—2 Swanston, 527.

## Law and Politics.

"I never was what a statesman—an accomplished statesman—ought to be. Indeed, a lawyer hardly can be both learned in his profession and accomplished in political science."—To his daughter, Lady Frances Bankes.

## Female Correspondence.

"Our thoughts, as expressed in our respective letters are much alike, but comparison will prove, what has been so often remarked, that female correspondence has a charm in it of which that of my sex is always devoid."—To his daughter-in-law: 2 Twiss's Life of Eldon, 442.

Reading Coke Upon Littleton—Like Going Up Hill—  
A Commanding View.

"Whilst you are with Abbott (afterwards Lord Tenterden), find time to read Coke on Littleton again and again. If it be toil and labor to you, and it will be so, think as I do when I am climbing up to Swyer or to Westhill, that the world will be before you when the toil is over; for so the law world will be, if you make yourself complete master of that book."—Advice to J. W. Farrer, on the Study of law, 1807.—1 Twiss' Life, 301.

## Law of Equity.

"Law and equity should be considered as distinct systems; and that they are so considered, and kept apart in England is, perhaps, one of the best provisions of our Constitution."—1 Twiss' Life of Eldon, p. 188.

## Live Like a Hermit, Etc.

His advice to a young lawyer was: "Live like a hermit and work like a horse."—1 Twiss' Life, 204.

## Kenyon's Opinion of Eldon.

"Kenyon hearing that Eldon was to be appointed Chief Justice of the Common Pleas, said he would be, "the most consummate judge that ever sat in judgment."—1 Twiss, 181.

## Motto on Watch.

"His Dirigie Te" (direct thyself by these),—motto on watch presented Eldon by George III.—1 Twiss, 229-30.

## To Half Starve a Young Lawyer Has a Fine Effect.

"There is nothing does a young lawyer so much good as to be half starved; it has a fine effect."—Said by Eldon when a young man, Lord Thurlow having broken his (Thurlow's) promise to make him a commissioner of bankrupts. Thurlow said it would have been his ruin; that young men are very apt to

be content when they get something to live upon; that when he saw what young Scott was made of he determined to break his promise, and make him work."—1 Twiss' *Life of Eldon*, p. 79.

#### Killing by a Dull Instrument—A Speech.

"Eldon said when he was Attorney General, a boy asleep fell from a window and was picked up for dead, while Sir Thomas Davenport, a very prosy speaker, was making a very long, dull speech to a jury, and that he (Eldon) indicted Davenport for willful murder perpetrated by a long, dull instrument, viz.: a speech; and that he was convicted and severely fined."—1 Twiss' *Life of Eldon*, 102.

#### On Retiring From Chancellorship, 1806.

"In retiring into private life I am upheld by the hope that I shall carry with me the continued esteem of a profession for which I feel an attachment that will descend with me to the grave."—In taking leave of the bar, February 3, 1806, when quitting the Chancellorship.—1 Twiss, p. 273.

#### The Bible Doctrine of a Trinity.

"That a Divine being does exist, the author and preserver of all created beings, himself uncreated and existing from eternity, is a truth of which I have no doubt, and I never could bring myself to think that any reasonable being had a doubt of it. The whole Bible scheme of man's redemption, the whole Bible

scheme of this world and that which is to come, appear to me very mainly to depend upon the doctrine of the Trinity; and when the man of reason tells me he understands the Godhead better, if he believes as an Unitarian, than I do who believe the doctrine of the Trinity in Unity, I am content that he should think as meanly as he pleases of my understanding; but on the other hand, I humbly pray to God to forgive his presumption. When the question was asked, 'Can these dry bones live?' I think the answer was, 'O, Lord God, thou knowest;' when the question is asked 'Can these Three be One?' my answer is, 'The Lord God knoweth!' He has said it, if there be truth in Scripture."—From a letter to Dr. Swire: 1 Twiss, 307.

#### Contemplation on Religion.

"At the end of thirty busy years, I have nothing to do, I mean with this world, but the great work of preparing myself for another; and I am afraid that is much to do, when a man has been immersed in this world's business, and such part of its business as I have been engaged in for so many years."—He so wrote to Dr. Swire, 1806.—1 Twiss, 277.

#### Public Office.

"God knows that we live in times when public office, if it is not vanity, is literally and truly labor and vexation of spirit, and how I get through my share of it I know not."—1 Twiss, 375.

### Saved to His Brother \$325,000.

Eldon saved Lord Stowell (Wm. Scott, his brother) from losing \$325,000 (£65,000), by advising him to not deposit it in a bank in December, 1811, Eldon knowing its condition, and it failed on January 2, 1812.—1 Twiss, 368.

### Good Natured People, Weak.

"Good natured people are always weak."—1 Twiss, 372.

### His House Mobbed, 1815.

Eldon's house in Bedford Square was mobbed, 1815, for his supposed opposition to the "Corn Laws," and he came near losing his life.—1 Twiss, 408.

### To Do Right a Matter of Concern.

"Party, I don't mind much; posterity, not a great deal; for, of this transaction, in all its particulars, it will be as little informed in matter of fact as it is in most others;—but to do the thing that is right, is really a matter of most anxious concern with me."---  
Concerning Napoleon's deportation to St. Helena, 1815: 1 Twiss, 414.

### Keep What You Have.

"Get what you can and keep what you have."—  
To Mr. Courtenay, whom he advised not to resign his retainer to Queen Anne upon his appointment to be Master in Chancery: 2 Twiss, 22.



**Solid Rather Than Showy.**

He habitually preferred the solid to the showy, and moral excellence to mere intellectual distinction.—1 Twiss, 421.

**Paid the Debt of a Debtor.**

Eldon paid £100 to a client rather than compel a litigant, whom he thought morally ought not to pay it, but legally must do so.—2 Twiss, 29.

**The Lawyer and the Judge.**

"It was quite necessary never to trust to the lawyers; it is their business to make a good case for their clients; it was mine to administer justice."—2 Twiss, p. 361.

**Deliberate as a Judge, Rapid as a Legislator.**

"No man, I believe, who has sat in the court where Lord Eldon presides, ever brought the public service a more consummate knowledge of all its principles and practice. By nature a man of talents, from education a scholar, and bred from his very youth in the study and experience of all its possible transactions, nobody could be better qualified to decide in that forum with the same rapidity as he did the other day here (House of Lords) on the subject now before us; yet how often does he there (on the bench) pause and repause,—consider and reconsider."—Lord Erskine: 2 Twiss, 30.

## Bigoted and Courteous.

"Eldon combined Thurlow's bigotry with Hardwicke's courtesy."—Whipple's "Character, etc." p. 186.

## His Own Reason Given for Doubting.

"I always thought it better to allow myself to doubt before I decided, than to expose myself to misery after I had decided, of doubting whether I had decided rightly and justly."—2 Twiss, 358.

## Rose at Four A. M.

"He rose in the morning at four, took little exercise, made short and abstemious meals, and sat up studying late at night, with a wet towel around his head to drive away drowsiness."

## Humorous Answer to Dr. Fisher.

On one side of a sheet of paper Eldon wrote to Dr. Fisher, who was an applicant for preferment, "Dear Fisher, I cannot to-day give you the preferment for which you ask. I remain your sincere friend, Eldon. Turn over;" and on the other side, "I gave it to you yesterday."

## What a Lovely Woman!

"What a lovely woman!" Eldon exclaimed while pacing Westminster Hall, as a beauty passed. "What an excellent judge," replied the pleased lady.

## A Poor Shot, but "Killed Time."

Eldon was a very poor shot, but an eager sportsman, which led his brother, Lord Stowell, to observe: "My brother has done much execution this shooting season; with his gun he has killed a great deal of time."

## Eldon Will Drink any Given Quantity.

Eldon was a great hand to take a treat, but unwilling to reciprocate, as he was very parsimonious, which led Lord Stowell, his brother, when told Eldon was quite a wine-drinker, to remark: "Yes, my brother, John, will drink any 'given' quantity."

## Sir George Rose's Verses, and How Eldon Turned Them on Him.

Sir George Rose said of Eldon:

    "Mr. Leach  
    Made a speech,  
Angry, neat, but wrong:  
    Mr. Hart  
    On the other part,  
Was heavy, dull and long:  
    Mr. Parker made the case darker,  
    Which was dark enough without:  
    Mr. Cooke  
    Cited his book,  
And the Chancellor said,—'I doubt,'"

Soon after Mr. Rose had to argue an untenable case before Eldon. After he had finished, Eldon concluded his statement of the law by saying: "For these reasons, the judgment must be against your client, and here the Chancellor does not doubt."

**LORD ELLENBOROUGH (EDWARD LAW), ENG-  
LAND.****(1750-1818.)**

Lord Chief Justice King's Bench for sixteen years. Born November 16, 1750, at Salkeld. Died December 13, 1818, aged sixty-eight, leaving a fortune of \$1,200,000. Educated at Charterhouse schools and St. Peter's college, Cambridge, graduating with high honors, third wrangler in mathematics and first gold medalist in classics. Was entered a student at Lincoln's Inn, spent five years as a "special pleader under the bar," and called to bar at thirty. His early experiences were very painful; submitted to all the drudgeries of the profession, setting before his aching eyes: "Read or starve." Rose at once to eminence, when thirty-five receiving a \$2,500 retainer from Warren Hastings in the celebrated impeachment before the House of Lords, where he vanquished such champions as Burke, Fox, Sheridan, Wilkes and Grey, succeeding in twenty out of twenty-three important contests on the admission of evidence, and after one hundred and forty-five days of trial cleared his client

by a large majority vote of the Peers. His fees of \$15,000 illy paid him for the time spent in this great case, but when it ended, Law stood next to Erskine as an advocate, to whom he was as much superior in legal learning as he was inferior in oratory and a knowledge of the human heart. In 1801 he was made Attorney General; when ten months in that office he became, 1802, Chief Justice and Baron Ellenborough. In 1806 he refused the Chancellorship.

As a judge, so far as mental grasp is concerned, he was great; of gigantic intellect, profound mathematical attainments, and one of the finest classical scholars of his time. His decisions are celebrated for research, breadth, logic and clearness. Was as hasty as Eldon was slow, having been known to dispose of eighteen cases in as many hours. Was a tireless worker, a great parliamentary debater, but opposed to all reform in criminal law. In person, lion-looking, large, robust, awkward; commanding forehead, shaggy eyebrows, stern black eyes; harsh, impatient and subject to undignified bursts of displeasure.

### Employment of Surgeon.

To the surgeon in the witness-box who said, "I employ myself as a surgeon," Ellenborough retorted: "But does anybody else employ you as a surgeon?"

### Book of Nature.

Said Randall Jackson, in flowery harangue: "My Lords, in the book of nature it is written——" "Be kind enough, Mr. Jackson," interposed Ellenborough, "to mention the page from which you are about to quote."

### Pleasure to Hear Argument.

Preston, the great conveyancer, who had tired out the court with a dreary speech, toward the close of the day asked their lordships when it would meet their pleasure to hear the remainder of his argument. Ellenborough replied, with a sigh: "We are bound to hear you, and we will endeavor to give you our individual time on Friday next; but as for pleasure, that, sir, has been long out of the question."

### The Court Is With You.

"The unfortunate client for whom it is my privilege to appear," said a young barrister, making his first attempt in Westminster hall—"the unfortunate client for whom I appear—hem, hem—I say, my lord, my unfortunate client——" Leaning forward and speaking in a soft voice, Ellenborough said: "You may go on sir,—so far the court is with you."

## Kenyon's Parsimony.

Having jested about Kenyon's parsimony as the old man was at the point of death, Ellenborough hearing that through the blunder of an illiterate undertaker the motto on Kenyon's hatchment in Lincoln's Inn Fields had been painted "*Mors janua vita*," instead of "*Mors janua vitæ*," exclaimed: "Bless you, there's no mistake; Kenyon's will directed that it should be '*vita*,' so that his estate might be saved the extra expense of a diphthong."

## Determined to Be Affable as a Judge—But Was Not.

"The day when he took his seat as Chief Justice, he said privately to an old friend that his feelings as a barrister had been so often outraged by the insults of Lord Kenyon he should now take care that no gentleman at the bar should have occasion to complain of any indignity in his court, and he hoped that any one who thought himself ill-used would resent it. Yet before the first term was over, he unjustifiably put down a hesitating junior, and ever after he was deeply offended by any show of resistance to his authority." —Campbell's *Lives of the Chief Justices*, p. 164.

## Literary Criticism—Not Libel.

He nobly maintained a freedom of literary criticism. Sir John Carr, Knight, a silly author, brought an action against respectable booksellers for a burlesque upon a certain foolish *Travels* which he had



given to the world, relying upon a recent decision of Lord Ellenborough in *Tabbert v. Tipper*. Lord Ellenborough in his holding said: "In that case the defendant had falsely accused the plaintiff of publishing what he had never published. Here the supposed libel only attacks those of which Sir John Carr is the avowed author; and one writer, in exposing the absurdities and errors of another, may make use of ridicule, however poignant. Ridicule is often the fittest instrument which can be employed for such a purpose. If the reputation or pecuniary interests of the party ridiculed suffer, it is damnum abseque injuria. Perhaps the plaintiff's 'Tour in Scotland' is now usable; but is he to be indemnified by receiving a compensation in damages from the person who may have opened the eyes of the public to the bad taste and inanity of his composition? Who prized the works of Sir Robert Filmer after he had been refuted by Mr. Locke? But shall it be said that he might have maintained an action for defamation against the great philosopher, who was laboring to enlighten and to ameliorate mankind? We really must not cramp observations upon authors and their works. Every man who publishes a book commits himself to the judgment of the public, and any one may comment upon his performance. He may not only be refuted, but turned into ridicule, if his blunders are ridiculous. Reflection on personal character is another thing. Show me any attack on the plaintiff's character un-

connected with his authorship and I shall be as ready to protect him; but I cannot hear of malice from merely laughing at his works. The works may be very valuable, for anything I know to the contrary, but others have a right to pass judgment upon them. The critic does a great service to society who exposes rapid as well as mischievous publications. He checks the dissemination of bad taste and saves his fellow-subjects from wasting their time and money upon trash. If a loss arises to the author it is a loss without injury; it is a loss which the party must sustain; it is a loss of fame and profit to which he never was entitled. Nothing can be conceived more threatening to the liberty of the press than the species of action before the court. We ought to resist an attempt against fair and free criticism at the threshold." (Verdict was given for defendants.)—*Carr v. Hood et al.*, 1 Camp., 355.

#### Overhanging Sign.

He held in *Pickering v. Rudd* (4 Camp., 220) that a man is not liable in trespass for nailing to his own wall a board which overhangs his neighbor's field.

#### His Appearance Upon Entering Court.

When he entered court he was in the habit of swelling out his cheeks by blowing and compressing his lips, and you would have supposed that he was going to snort like a war-horse preparing for battle. —*Campbell's Lives*, p. 251.

## Epigram on Burke.

Law had the credit of making the celebrated epigram upon the leader of the Hastings impeachment:

"Oft have we wonder'd that on Irish ground,  
No poisonous reptile has e'er yet been found;  
Revealed the secret stands of Nature's work—  
She saved her venom to produce her Burke."

But it is said to have been composed by Dallas, one of the counsel for the defense.—Campbell's *Lives*, p. 141.

## Words of an Attorney Not Actionable.

He held in *Hodgson v. Scarlett* (1 Barn. & Ald., 232), that an attorney is not liable for speaking these words in his argument to the jury: "Mr. Hodgson is a fraudulent and wicked attorney." Spoken in a case where the good faith of a transaction which Mr. Hodgson had conducted was in question.

## No Lover of Criminal Law Reform.

He thought that the criminal code could not be too severe. Opposed strenuously the efforts of Sir Samuel Romilly in the cause of humanity, and was as much shocked by a proposal to repeal the punishment of death for stealing to the value of five shillings in a shop as if it had been to abrogate the Ten Commandments.—*Lives of the Chief Justices*, p. 241.

## OLLIVER ELLSWORTH, CONNECTICUT.

(1745-1807.)

Third Chief Justice of the United States. "Born to be a great man," at Windsor, Connecticut, April 19, 1745, and died there November 29, 1807, aged sixty-two. He was graduated from Princeton college in 1766; was admitted to the bar in 1771, having previously studied theology one year. He stood at the head of the Connecticut bar, his docket frequently numbering from one thousand to fifteen hundred cases. He was elected to the Continental Congress in 1777, and served on the Committee of Appeals, aiding Robert Morris in his financial plans. 1774 he became a Judge of the Supreme Court of Connecticut. In 1787 he was a delegate to the Federal Convention, and with Patterson, of New Jersey, led those who stood for the rights of the small States, their unyielding pertinacity bringing about the compromise giving each State equal representation in the United States Senate. He was one of the strong and effective advocates of the adoption of the Constitution by Connecticut, and became one of her first Senators. He

was the author of the Judiciary Act of 1789, "which has stood to this day one of the best examples extant of legislative ability and literature." Of this, Justice Field says: "It may be said to reflect the views of the founders of the Republic as to the proper relations between the Federal and State courts." In 1796 he was appointed Chief Justice of the United States by Washington. Few cases of importance were heard by the court while he was in office, and in 1800 he resigned to accept an appointment at the head of the commission to negotiate the treaty with France.

He became Judge of the Court of Errors for Connecticut in 1802, and declined the State Chief Justiceship in 1807. Adams spoke of him as "the finest pillar of Washington's administration." Says Hampton L. Carson: "He was a man of kingly dignity, exalted conscience, immutability of will, but slow and ponderous intellect." Says another: "For strength of reason, sagacity, wisdom, and sound good sense in the conduct of affairs; for moderation and general ability, it may be doubted if New England has yet produced his superior."

## Aaron Burr on His Senatorial Influence.

Aaron Burr said of Ellsworth's influence in the United States Senate: "If Ellsworth should chance to spell God with two 'd's' it would take the Senate three weeks to make up its mind to expunge the superfluous letter."

## His Defense of Himself at Yale—The Hat Case.

While at Yale college he was arraigned for wearing his hat in the college yard, which students were forbidden to do. He defended himself, maintaining that a hat was composed of two parts, the crown and the brim, and as his hat had no brim—which by the way, he had torn off—he could be guilty of no offense. This ingenious defense seemed to satisfy the judges and he escaped all punishment.—Bigelow's Bench and Bar, p. 118.

## LORD THOMAS ERSKINE, ENGLAND.

(1750-1823.)

For more than a quarter of a century the foremost advocate in England in behalf of life and liberty. Born January 10, 1750, in a small, ill-furnished room in an upper flat in Edinburgh, Scotland, the youngest son of David, the impecunious tenth Earl of Buchan. Died November 17, 1823, aged seventy-three. A high school and academic education before fourteen, four years in the navy, as many in the army, without a collegiate education, but a mastery of Milton, Dryden, Pope and Shakespeare, becoming so saturated with the former and the latter that he could hold conversations for days in their language, constituted his foundation for the study of law after twenty-five. Admitted at twenty-eight, he suddenly made his reputation in his first case, *King v. Baillie*, for the defendant, receiving a yet preserved guinea as a fee. This speech stamped him as the foremost advocate of England, and briefs poured in upon him until his annual income was \$60,000.

He was engaged in the court-martial of Lord Keppel; in the defense of Lieutenant Bourne of the navy for challenging Sir James Wallace; the Mother-ill case; the defense of Lord Gordon, charged with high treason; the Dean of St. Asaph for seditious libel; the Stockdale case, growing out of the Hastings impeachment, his speech being the finest ever delivered at the English bar, winning a verdict which forever established the freedom of the press; the Horne Tooke case; Hardy for treason; the Thelwell case; the Stone case, and the prosecution of Williams for publishing Paine's "Age of Reason." Perhaps his greatest display was the defense of Hadfield for attempting the life of George the Third.

He was appointed Chancellor, and created a Peer in 1806. His decisions are found in 12-13 Vesey. His last important case was the defense of Queen Caroline in the House of Lords. Nothing can be added to Lord Campbell's estimate: "As an advocate in the forum he was without an equal in ancient or modern times." He was of medium height, slender, quick and nervous, handsome and magnetic.



## Advocate—Must Be a Lawyer.

"No man can be a great advocate who is no lawyer."

## English Bar.

"I will forever, at all hazards, assert the dignity, independence and integrity of the English bar."—Said by him in his defense of Thomas Paine for publishing "*The Rights of Man*."

## Duty as an Advocate.

"Your lordship may proceed in what manner you think fit; I know my duty as well as your lordship knows yours. I shall not alter my conduct."—To Judge Buller, who threatened to commit him for contempt.

## Law.

"I was bred in my early youth to two professions (the navy and the army) the characteristic of which is honor. But after the experience of very many years I can say with truth that they cannot stand higher for honor than the profession of the law. Amidst unexampled temptations, which through human frailty have produced their victims, the great bulk of the members of it are sound; and the cause is obvious; there is something so beautiful and exalted in the faithful administration of justice, and departure from it is so odious and disgusting, that a

perpetual monitor is raised up in the mind against the accesses of corruption. The same protection ought also to apply to us, the highest of the judges.—From speech in the House of Lords, trial of Queen Caroline, 1820.

#### Burke as an Author.

“I shall take care that they, whose principles are left to my formation, have the advantage of doing in the regular progression of youthful study what I have done even in the short intervals of laborious life;—that they shall transcribe with their own hands from all the works of this most extraordinary person (Burke) the soundest truths of religion, the justest principles of morals, inculcated and rendered delightful by the most sublime eloquence—the highest reach of philosophy brought down to the level of common minds, by the most captivating taste, the most enlightened observations on history, and the most copious collection of useful maxims from the experience of common life.”—From speech in defense of John Horne Tooke, 1794.

#### Christian Religion and the Jews.

“The universal dispersion of the Jews throughout the world, their unexampled sufferings, and their invariably distinguished characteristics, when compared with the histories of all other nations and with the most ancient predictions of their own law-givers and prophets concerning them, would be amply sufficient to support the truths of the Christian relig-

ion if every other record and testimony on which they stand had irrecoverably perished."—From speech in prosecution of Williams for libel in publishing Paine's "Age of Reason."

#### Early Failure as a Speaker.

Was at first painfully unready of speech, and embarrassed in his maiden efforts that he would have desisted in his attempt at oratory had he not felt, as he testifies, that his children were tugging at his gown and urging him on in spite of his bogging and stammering.

#### Manner Before Jury.

"His form was peculiarly graceful, slender and supple, yet, when warmed by an address, quivered with the pent up excitement of the occasion. His features were regularly beautiful and susceptible of infinite variety of expression, and at times lighted up with a smile of surpassing sweetness. Juries, according to Lord Brougham, have declared that they felt it impossible to remove their looks from him when he had riveted and, as it were, fascinated them by his first glance; and it used to be a common remark of men who observed his motions that they resembled those of a blood horse;—as light, as limber, as much betokening strength and speed, as free from all gross superfluity or incumbrance."—Mathew's "Oratory and Orators," p. 358.

## Principles of Evidence.

"The principles of evidence in law are founded in the charities of religion, in the philosophy of nature, in the truths of history, and in the experience of common life."

## Some Characteristics and Great Efforts.

He studied law after twenty-five years of age. Lacked the advantage of a college education, and before five years at the bar rose to its highest rank. In his first case, *Crown v. Baillie*, he made "the most wonderful forensic effort of ancient or modern times," says James L. High. His business rapidly increased until he was in receipt of \$60,000 per year. His defense of Lord George Gordon, his first great jury effort, was won and sounded the death knell of the doctrine of constructive treason. He defended Thomas Paine, from a sense of duty and against his will. Successfully defended Hardy for treason, in which he spoke seven hours, and was so exhausted that he spoke for some minutes in a whisper. He cleared John Horne Tooke and Thelwell. As Chancellor he was unfamiliar with equity and real estate law. Was not a profound scholar.

## On Office Holding.

When turned out of the office of Chancellor, Erskine said: "I am much obliged to them, for they have given me, in exchange for a dog's life, that of a gentleman."—2 Kenney's Wirt, p. 262.

## His Style.

Erskine learned but the elements of Latin, and in Greek went scarcely beyond the alphabet; but he devoted himself in youth to the study of Milton and Shakespeare, committing whole pages of the former to memory, and so saturating himself with the great dramatist that he could hold conversation for days not only in the words, but the phrases of the "myriad-minded poet." It was thus that he acquired his beautiful style, and was able to charm his hearers.

## Heart, the Foundation of Eloquence.

"Intellect alone, however exalted, without strong feelings, without, even, irritable sensibility, would be only like an immense magazine of powder, if there were no such element as fire in the natural world. It is the heart which is the spring and fountain of eloquence."—In a letter introductory to the published speeches of Fox.

## "Tu Doces."

"Tu doces" (thou teachest), wrote Erskine on an old tea chest.

## His First Case.

"His reputation was made in his first case, *King v. Baillie*. The impression made upon the audience by his first address is said to have been unprecedented, and I must own that, all the circumstances considered, it is the most wonderful forensic effort of

which we have any account in our annals. It was the debut of a barrister, just called and wholly unpracticed in public speaking, before a court crowded with men of the highest distinction. He came after four eminent counsel, who might be supposed to have exhausted the subject. He was called to order by a venerable judge, Lord Mansfield, whose word had been law in that hall above a quarter of a century."—Lord Campbell.

#### Foremost Advocate for Twenty-five Years.

"For more than a quarter of a century before his appointment as Lord Chancellor, he had been the foremost advocate in those courts which he'd supreme jurisdiction of liberty and life."—Twiss' *Life of Eldon*, vol. 1, p. 292.

#### Action Will Not Lie, Etc.

"I am of the opinion that this action will not lie, unless the witnesses do," wrote Erskine to the Duke of Queensberry about a doubtful case.

#### You'll Be Hanged If You Do.

To his client Thelwell, who was dissatisfied with Erskine's efforts in his behalf, and who had written his counsellor on a slip of paper, "I'll be hanged if I don't plead my own cause." Erskine quietly replied, "You'll be hanged if you do,"

## Description of the Indian Chieftain.

"I have heard them in my youth from a naked savage, in the indignant character of a prince surrounded by his subjects, addressing the governor of a British colony, holding a bundle of sticks in his hands as the notes of his unlettered eloquence: 'Who is it?' said the jealous ruler over the desert, encroached by the restless foot of English adventure, 'Who is it that causes this river to rise in the high mountains and to empty itself into the ocean? Who is it that causes to blow the loud winds of winter, and that calms them again in the summer? Who is it that rears up the shade of these lofty forests, and blasts them with the quick lightning at his pleasure? The same Being who gave to you a country on the other side of the waters, and gave ours to us; and by this title we will defend it,' said the warrior, throwing down his tomahawk on the ground and raising the war-sound of his nation. These are the feelings of subjugated man all round the globe; and depend upon it, nothing but fear will control where it is vain to look for affection."—Erskine's description of the Indian chieftain in his defense of John Stockdale.

## A Thick-headed Witness.

When induced to make a personal observation, Erskine divested it of asperity, by a tone of jest and humor. In a cause at Guildhall, brought to recover the value of whalebone, a witness was called of impenetrable stupidity. There are two descriptions of

whalebone, of different value, the long and the thick. The defense turned on the quality delivered; that an inferior article had been charged at the price of the best. A witness for the defense baffled every attempt at explanation by his dullness. He confounded thick whalebone with long in such a manner that Erskine was forced to give it up. "Why, man, you don't seem to know the difference between what is thick and what is long. Now I'll tell you the difference; you are a thick-headed fellow and not a long-headed one."—*Law and Lawyers*, p. 8.

#### Brougham's Description of Erskine.

He was characterized by Lord Brougham as one "in all respects, the charms of whose social converse were unbounded, of a demeanor that every instant showed his noble birth; in manners of perfect ease, polish and grace; of a temper the most sweet, and of spirits the most joyous and gay, without ever being boisterous, turbulent or obtrusive; of conversation the most various, never refusing a serious turn, though delighting in every species of mirth, from refined comedy to broad farce. He was the life and soul of every circle in which he mixed, affable to those below him, full of firmness and independence to his superiors—altogether without a particle of envy, or jealousy, or gall, in his whole composition—no wonder that he was the darling of the age and the country in which he lived. He was the most happily, the most justly described, by one who knew him well, as 'the



best beloved man in all Scotland.' This was said by the late Lord Kinnaird, in the House of Commons, himself amongst the most quiet and delightful, as well as honorable of men."—*Law and Lawyers*, p. 32.

### Morals, Religion and Virtue.

"Depend upon it, the world cannot be held together without morals, nor can morals maintain their station in the human heart without religion, which is the corner-stone of the fabric of human virtue."—From passage in argument in *Markham v. Fawcett* for criminal conversation.

### The Source of all Our Affections.

"Nothing, certainly, is more delightful to the human fancy than the possession of a beautiful woman in the prime of health and youthful passion; it is, beyond all doubt, the highest enjoyment which God in his benevolence, and for the wisest purposes, has bestowed upon his own image. I reverence, as I ought, that mysterious union of mind and body, which, while it continues our species, is the source of all our affections—which builds up and dignifies the condition of human life—which binds the husband to the wife by ties more indissoluble than laws can possibly create—and which by the reciprocal endearments arising from a mutual passion, a mutual interest, and a mutual honor, lays the foundation of that parental affection which dies in the brutes, with the necessities

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of nature, but which reflects back again upon the hu-  
man parents the unspeakable sympathies of their off-  
spring, and all the sweet, delightful relations of social  
existence."—Extract from argument for defense in  
Howard v. Bingham, Crim. Con.

## WILLIAM MAXWELL EVARTS, NEW YORK.

(1818- —.)

"The Prince of the American bar." Born at Boston, February 6, 1818. Entered Yale, a freshman, at fifteen, and graduated at nineteen, with Samuel J. Tilden, Chief Justice Waite, Attorney General Pierrepont, Professor Lyman, Benjamin Silliman and others, for classmates. Took a law course at Harvard, and read with Daniel Lord in New York city, where he began practice in 1841. Business quickly came upon him, but like Rufus Choate, he read some law daily throughout his active life. After eight years at the bar he was made Assistant United States Attorney in the city, holding the position four years; made Attorney General under President Johnson; Secretary of State under President Hayes; United States Senator for New York, 1885 to 1891. He has been counsel in the three greatest cases in this country during his career,—the Johnson Impeachment, the Geneva Arbitration, and the Hayes-Tilden contest. He was also counsel in the Lemmon slave case; the Parrish will case; the will of Mrs.

Gardner, the mother of President Tyler's widow; senior counsel for Mr. Beecher in the Beecher-Tilton six-months' trial, occupying eight days in his closing speech; for the prosecution in the "Savannah Privateers," being opposed by James T. Brady; and in many other important causes. Received a \$50,000 fee for an opinion upon the Berdell mortgage against the Boston, Hartford and Erie Railway.

Mr. Evarts is not only a great lawyer, but distinguished as a statesman, orator and after-dinner speaker. He has high scholarship and fine literary taste, as has been displayed in numerous orations, and addresses. He is pre-eminently practical, philosophical, shrewd and far-seeing, with an overmastering command of legal lore. Said the Albany Law Journal during the Beecher-Tilton trial: "In humor, in adroitness, in judgment, in patience, in self-mastery, and in a knowledge of law in its highest and broadest sense, Mr. Evarts, in our opinion, is facile princeps. He is five feet seven, thin and slender, with a face like parchment. Some one has said: "He is all head, nose, voice and forefinger."

### A Trial in a Court of Justice.

"A trial in a court of justice is a trial of many things besides the prisoners at the bar. It is a trial of the strength of the laws, of the power of the Government, of the duty of the citizen, of the fidelity to conscience, and the intelligence of the jury. It is a trial of those great principles of faith, of duty, of law, of civil society, that distinguish the condition of civilization from that of barbarism. I know no b er instance of the distinction between a civiliz - structured Christian people, and a rude and barbarous nation, than that which is shown in the assertions of right, where might and violence, and the rage of passion in physical contest, determine everything; and this last, sober, discreet, patient, intelligent, authorized, faithful, scrupulous, conscientious investigation, under the lights of all that intelligence with which God has favored any of us; under that instruction which belongs to the learned and accredited expounders of the law of an established free government; under the aid of, and yet not misled by, the genius of eloquence of advocates on either side."—Opening of speech in prosecution of the case of the "Savannah Privateers" indicted for piracy, tried in N. Y., Oct. 1861.

### Marshall and Webster.

"If I were to name two men whose services were incomparably above that of all others in making this new experiment of free government of paper consti-

tutions a living power to a great and strenuous nation—two that could not have been spared, though all others remained—I should say that to the great Chief Justice Marshall, and to the great forensic, popular, parliamentary defender and expounder of the Constitution, Daniel Webster, we most owe what we now enjoy.”—Address of Wm. M. Evarts at the unveiling of the statue of Daniel Webster in Central Park, Nov. 25th, 1876.

#### Ambition.

“I do not know that one should question ambition, for it is the public passion by which great public talents are made useful to people.”—Idem.

#### Webster as a Lawyer.

“I am quite sure that there is not in the general judgment of the profession, nor in the conforming opinion of his countrymen, any lawyer that in the magnitude of his causes, in the greatness of his public character, in the immensity of his influence upon the fortunes of the country, or in the authority which his manner of forensic eloquence produced in courts and over courts, can be placed in the same rank with Mr. Webster.”—Idem.

#### The Stuffed Sage.

“Before supper you beheld a goose stuffed with sage; now you see a sage stuffed with goose,” said Evarts in a toast, referring to a distinguished guest, after eating a stuffed goose.

## Inconsistency.

"Hancock's declaring in favor of a full, free ballot, and a fair count, is about as consistent as the husband's killing his wife with the motto, 'God bless our home,'" said Evarts in a speech in the campaign of 1880.

## Student Who Couldn't Pass Examination.

"In speaking of the Democratic party in the same campaign, Mr. Evarts said: "It is like the teacher who could not pass examination down in Texas, and after his erasures, was allowed to try it over again, and failed a second time. He was asked why he did not pass, and replied, 'How could I? They asked me the same questions.' He had better have answered like the student at college, who had been badly plucked in examination, and was asked how he fared. 'Fared,' said he, 'I didn't pass at all, and yet I answered every question correctly; and they asked me a great many questions.' 'How could that be,' asked his friends, 'Why,' he replied, 'to every question they asked me, I replied that I didn't know.'"

## We Are the Clay—You Are the Potter.

"Mr. W. M. Evarts, who has just been celebrating his golden wedding, is a man of wit not too often used for telling effect. He flashes his steel to good purpose now and then. The story is said, that once at a dinner of the New York Potters, a sort of family reunion, he as their counsel had been asked to dine with

them all. There was a bishop, and there was a doctor of divinity, and there were other distinguished scions of the family tree present, and the after-dinner speeches had all been—very natural for such an occasion—on the fame and success of one another. The history of the Potters since they first came to this country, was told in all its glorious details. Then Mr. Evarts was asked to make a speech, and they say he said that he felt he really must be excused. In this reverend presence, however, he might be pardoned for uttering a paraphrase of Scripture which had come into his mind during the speeches of the rest—‘Lord, Lord, thou art the clay, and we are the Potters!’—*Boston Transcript*, September, 1893.

#### Affidavits not Facts.

“Letters of acceptance of a candidate for the Presidency are not exactly transactions or acts of Congress. When Admiral Coffin, who lived at Cape Cod, as a child, had by his adherence to the British crown risen to the great rank of Admiral in the navy, he came over to visit this country. He came over in about 1830 to see his native land. On the way over he told his officers that at Cape Cod they would see lobsters that would weigh twenty-five pounds. The rules would not permit the officers to contradict the Admiral, but they distrusted the statement. He said, ‘If you doubt it, I will make you a bet.’ It was made. On arriving and making a thorough hunt, no such lobsters were, of course, found. ‘Well,’ said he,



'they don't happen to be here just now, but I will get the affidavits of the fishermen to show there are such lobsters.' A pile of affidavits was brought in, and it was left to an umpire to decide the bet, and he decided that affidavits were not lobsters."—Said by Evarts in a campaign speech, 1880.

#### Republican Blacks—Democratic Whites.

"The Republican blacks pick all the cotton of the Democratic whites, and the Democratic whites pick all the votes of the Republican blacks."—In speech in Brooklyn, N. Y., Oct. 20, 1880.

#### Blaine's Tribute.

"It has been my duty and my pleasure in these long years to follow you; to learn from you wisdom in public affairs, and to join with my countrymen in ascribing to you not merely the great merit of leadership in the noblest of professions, but to yield our admiration for the singular success which has given to you the opportunity to lead in the three most important cases ever pleaded by a member of the American bar. First, in resisting your own party in what you regarded the impolicy, if not the madness, of impeaching a President; second, in maintaining before the greatest international tribunal that has assembled in modern times the rights of your country, and obtaining redress for wrongs to her that grew out of the Civil War; and third, averting another civil war by pleading before an Electoral Commission for a

peaceful settlement of the angriest political controversy that ever arose between parties in the United States."—At the Delmonico Dinner, New York, October 30, 1880.

### Donkey Lonely Without Him.

Said Evarts: "For the amusement of my little daughter, I sent a donkey to my country home in Vermont. It was not much larger than a sheep. The child had never heard, until a day or two after the arrival of the animal, the lamentable voice of the creature. Struck by the sadness of its tone, she wrote in great haste for me to return immediately, stating as a reason that the donkey was so lonely without me."

### Pen Picture.

He was recently described by a reporter, as follows: "In that pale, and almost emaciated face, that fragile enwarpment of body, which seems shaken by the earnestness of its own talk, is packed that library of knowledge, and that fiery concentration of eloquent speech, which, collectively, make up the product of humanity called William M. Evarts. He looks like a man whom his soul had burned up with its own intensity till all that was inflammable was exhaled, leaving a thin body and a face lit up with great, weird, far-seeing eyes."—Description of, while in Hayes' Cabinet, by a reporter.

## Parallel—Evarts, Porter, Beach.

"We confess that after quaking at the thunders of Beach, and growing feverish over the drama of Porter, it is refreshing to listen to the calm, clear logic of a man like Evarts. If one considers a case under Beach's presentation, it is like looking on an object through a superior magnifying glass; when Porter presents it, you gaze through a variously-stained glass window of many panes; when Evarts presents it, you see it through a broad, clear pane of French plate. We had feared, however, that Mr. Evarts would not appear to his best advantage in this trial. We had supposed that his proper and exclusive arena was where grave Constitutional questions are discussed—as, for instance, on the impeachment trial of President Johnson. But his conduct of this case has been a surprise to us, as we dare say it has been to every one else. It seems to us that it has been faultless. In every point of view—as an examiner and cross-examiner, in the discussion of points of evidence, and in the summing up—he has exhibited the most varied and admirable talents of a lawyer. His cross-examination of Theodore Tilton, in our judgment, was an unequalled masterpiece; and his final argument, while it must yield to those of his brethren in brilliancy and declamatory force, must have left a deeper mark on the jury than theirs. Mr. Evarts' rhetoric is far from being a model—somewhat diffused and involved; but, spite of all seeming

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disadvantages, he has the art to appear less an advocate and more a disinterested judge than either of his compeers."—"Three Great Advocates," Albany Law Journal during Beecher-Tilton Trial, 1875.

DAVID DUDLEY FIELD, NEW YORK.  
(1805-1894.)

The great code reformer, of whom an English Chancellor says: "Has done more for the reform of law than any man living." He is of the most noted American family, except the Adamses, in our history. Born at Haddam, Connecticut, February 13, 1805; died April 13, 1894, in his ninetieth year. He attributed his longevity to a robust constitution, plenty of exercise and much hard work. Was the son of a minister, brother of Stephen J., the renowned judge, Cyrus W., the great merchant, and Henry M., the distinguished clergyman, author and editor. Studied Latin, Greek and mathematics under his father at nine, graduated from Williams College at twenty, read law with Harmanus Bleecker, of Albany, and Henry and Robert Sedgwick, of New York city, and was admitted at twenty-three. He practiced for over sixty years, being the trusted adviser of Cyrus W. Field, Jay Gould, Russel Sage and other millionaires, and had a practice of \$100,000 a year, and during his busiest days more millions have depended upon him

than on any contemporary. When a young man he thoroughly mastered the common law and equity practice, and became impressed with their extreme technicality. As a consequence, for more than fifty years he worked untiringly to reform the laws of his State and the English world, and lived to see his code system adopted in twenty-four States and Territories, made the basis of the legal act of England and of the practice in several English colonies, including India. His proposed "International Code" has attracted the attention of all jurists, and has been translated into French, Italian and Chinese.

Among his most celebrated causes was the *Opdyke*, the *Tweed*, the *Milligan*, the *McCardle*, the *Cruikshank*, the *Cummings* and the *Garland* cases, the "*Erie Litigations*," and his efforts in behalf of the elevated railways of New York. He stood six feet two; was broad-chested and powerfully built, but stooped from excessive study and age. He will rank in history as one of the greatest minds of the century.

## Opdyke-Weed Libel Suit.

"O! cruel is that Thurlow Weed, who made this great display,

Who's kept you here about a month without a cent of pay,

And cruel are the witnesses, and cruel are the laws,  
And cruel are the jurymen—unless you win our cause."

—Summing up to the jury in libel suit of Opdyke v. Thurslow Weed, N. Y. Supreme Court, Dec. and Jan., 1864-5.

## Hard Work and Exercise—Secrets of His Health.

"I attribute my remarkably good health, first to a good constitution, and second to hard work. Hard work never killed any one. Idleness has slain its thousands. Then, again, exercise has helped me. I have never allowed a day of my life to pass—hot, cold, wet or dry—without walking several miles in the open air. Cabs and street cars I cannot abide. As for eating and drinking, I follow no special rule. I take what I like, and let the rest alone. I find that policy to agree with me."—From Harper's Weekly.

## Lincoln.

"Lincoln was the most-sided man, I think, I ever met. Webster, Clay, Calhoun and others were great men in their way, but Lincoln was great in a multitude of ways. There seemed hidden springs of greatness in this man that would spring forth in the

most unexpected way, and even the men about him were at a loss to account for the order of the man's genius." Mr. Field almost idolized Lincoln for the promotion of his beloved brother, Stephen, to the Supreme Bench.—Idem.

#### Tilden.

"Personally, I held close and friendly relations with Samuel J. Tilden. His was one of the keenest, analytical minds I have ever known, and his capacity for politics, as well as real statesmanship, was remarkable."—Idem.

#### Greeley.

"Greeley was a very great man in some ways, and a very weak one in others. He was almost as many-sided as Lincoln himself, and was a wonderful combination of goodness and weakness. He was my friend for many years, and my co-worker in helping to nominate Lincoln, but his own nomination in 1872 struck me as the grotesque ending of a movement that promised much. As President he would have been used by selfish men for their own ends."—Idem.

#### Was Rich and Parsimonious.

He accumulated a large fortune in the active practice of his profession, and by judicious ventures and investments. He had the reputation of being parsimonious, but in large affairs he did not scruple to spend money liberally.



### Insisted on Pay for Lost Shoes at Hotel.

"He lost a pair of old shoes at the Delavan House, in Albany, when a guest there—they were stolen from his door by a drunken assemblyman for a lark. He made the landlord send out and buy him a new pair of four-dollar shoes. The landlord subsequently found the missing shoes and sent them to him with a sarcastic note, and Mr. Field returned the new shoes, observing that he liked the old ones a great deal better. His stalwart and noble figure, clad in that old gray suit, with that time-honored blue or red necktie—the only gaiety he indulged in dress—and in those old shoes, was one that commanded respect, and there were few indeed fit to stand in those shoes."—Irving Browne, "Easy Chair," May, '94, Green Bag.

### Mind, etc., Belonged to Client.—Heart, etc., Did Not.

When asked if he did not fret over an adverse result in a legal case, he said he did not if he had done his duty. Laying his hands across the median line of his body he said: "All above this—bronchials, throat, voice and brain, belong to the client, but nothing below—heart, stomach, bowels or liver—does."

### His Gallery of Patriots at a Banquet.

"At a banquet toast he erected a gallery of patriots—for France, Lafayette; for old Rome, Brutus; for Greece, Pericles; for Great Britain, the elder Pitt;

for Ireland, Robert Emmett; for the United States, Washington and Lincoln; for Italy, Garibaldi, and for Hungary, Kossuth."—A. Oakley Hall, May, '94, Green Bag.

### Saturate Your Brain as a Sponge With Facts and Law.

"In preparing your case for trial or summing up, treat your brain as a sponge and saturate it with your facts and legal principles. Then you have but to squeeze, and the gray fluid will flow copiously to irrigate judge and jury—but first get the sand out of the sponge!"—Mr. Field's advice to A. Oakley Hall, May, '94, Green Bag.

### Not a Cheap Lawyer—\$5,000 for an Opinion.

"On one occasion he was employed by a great corporation to write an opinion on a matter of vital moment to its interests. He bestowed several days on it and charged \$5,000 for it. The corporate officers were astounded. Mr. Field said: 'Why did you come to me? You know that I am not a cheap lawyer. You knew that you could get an opinion to the same effect for a fifth of the money from any one of half a dozen lawyers'—naming them—'which would have commanded respect, but for some reason you came to me. Now I think you came to me because you believed that my opinion would be more influential in effecting the result which you desired, and I believe that end has been accomplished, and that my opinion con-

tributed largely toward it. Am I not right?" The officers could not gainsay these allegations. "Very well, then, gentlemen, you have been benefitted to a vast amount through my opinion, and you must pay me my charge, which, all things considered, is a very small one." They paid, and they kept on paying his charges."—Irving Browne in "The Lawyers' Easy Chair," May, '94, Green Bag.

**Gave \$9,000 to Support R. B. Taney's Daughter.**

"When Chief Justice Taney died, in penury, he left a daughter without means of support. There was a proposal among the national bar to make some provision for her, but it moved so sluggishly and seemed so likely to fail, that Mr. Field came forward voluntarily and gave his personal bond to the Clerk of the Supreme Court of the United States, conditioned to pay the daughter an annuity of \$500. This covenant he kept up for eighteen years. He did not know the Chief Justice nor the daughter at all, and did not at all approve the Chief Justice's political sentiments, but what he did was for the honor of the bar and to save the Nation from discredit. The act was like him, and the omission to proclaim it was also like him."—Idem.

**Hated Tobacco.**

He detested tobacco and used to rail against smoking, and say that mankind was enslaved by a habit which compelled public carriers to furnish

separate vehicles for their indulgence in it—worse than cattle cars—he used to call them.

See Dillon's Tribute, under "John F. Dillon."

#### Master of Law of Torts and Libel.

He was always a master of the law of torts, and was especially learned in that of libel. Was counsel for James Gordon Bennet, Sr., in defending the *Herald* against a libel brought by a musical composer and critic.

#### His Opposition When Trying to Get Code Adopted.

"I was treated with opposition such as Romilly, when he undertook to ameliorate in England the barbarity of the penal procedures and statutes that consigned poachers and petit larceners to the scaffold; or such as Parker, Phillips, Garrison, and Sumner had to withstand when they sought to change and ameliorate the procedure and statutes against slavery; or such as hounded John Quincy Adams on the floor of the House of Representatives when he moved to amend the procedure that barred the right of petition."—In a conversation with A. Oakley Hall in 1857, May, 1894, Green Bag.

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## STEPHEN JOHNSON FIELD, CALIFORNIA.

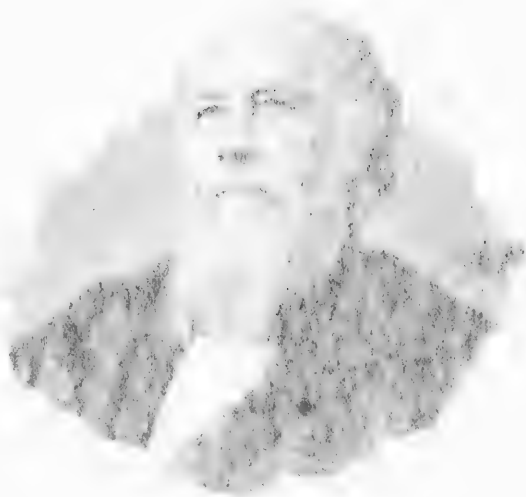
(1816——.)

Senior Associate Justice of the United States Supreme Court, being appointed by Lincoln, March 10, 1863. He is the son of a minister and brother of David Dudley, Cyrus W., Henry M., and Mrs. Josiah Brewer, mother of David J. Brewer. He was taken by his sister when thirteen to Smyrna, where he acquired modern Greek, the French and the Italian languages. He graduated from Williams at twenty, with highest honors, studied law and formed a partnership with David Dudley, his brother. Traveled in Europe in 1848-9, and in the latter year went to California, arriving with \$10; became one of the foremost lawyers in that State, and was elected to its Supreme Bench in 1857, and held the position nearly six years, three and a half as Chief Justice. He was made LL.D. by Williams in 1864, and in 1880 received in convention sixty-six votes for the Presidency.

As a Federal judge he has kept in view two principles: preservation of the National government and that of the States from every interference with each other, and the protection of private rights from

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**STEPHEN JOHNSON FIELD,**

*Associate Justice of the United States Supreme Court*

From a Photograph by Fisher, San Francisco, Cal.



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their encroachment. His decisions (1 Wall—154 U. S.), 684 in number, including 174 dissents, the Test Oath, the Legal Tender, and the Slaughter House cases being most notable, show him to be one of the ablest judges of any bench. His characterization of judicial duty is self-applicable: "Timidity, hesitation and cowardice in a judge deserve only contempt. To decide against his conviction of the law or judgment as to the evidence, whether moved by prejudice, passion, or clamor, is to assent to a robbery, \* \* \* and to hesitate or refuse to act when duty calls is hardly less the subject of just reproach." He has vast legal learning, great capacity to acquire new knowledge, skill to appropriate and assimilate it, creative power and ability to apply old principles to a new state of facts, and intellectual and moral fearlessness—his life having been twice attempted for opinion's sake.

#### The Field-Terry Episode.

"I was present when the scene transpired for which Judge Field imprisoned Terry. I have never written a description of that scene. I will now do so as it rests in my memory. I write wholly from memory, without a document or even a newspaper paragraph before me.

"In some proceeding in the State court one of the judges had affirmed the validity of the 'marriage contract.' Sharon then commenced in the Federal court an action to enjoin Sarah Althea from setting up that contract and to compel its cancellation. The merits of this action were decided in favor of Sharon. He then died. Sarah Althea married Terry, and a motion was made to revive the action by Sharon's executors and for final decree. This motion had been fiercely contested, argued, and submitted. Notice was given, through the press, that on a certain day the motion would be decided.

"The court room is unusually large,—the bench and its approach, elevated above the floor, occupy one side. In front on the right is the clerk's, on the left the marshal's desks. Beyond the passage in front of these desks are the seats and tables of the bar, in the form of an amphitheatre. Around and on three sides of the bar are the seats for the public.

"Terry and his wife occupied seats within the bar in the second tier from the front, the wife directly in front of the presiding justice. The audience was not large, and there were not more than twenty persons inside the bar.

"Two judges—Hoffman of the District, and the judge for the District of Nevada—entered with Judge Field. The bar rose to receive the court, but Terry and his wife kept their seats. Judge Field, having taken his seat, announced that the opinion and order of the court would be read.

"The opinion commenced with a full and eminently fair statement of the facts, read in his ordinary tone, without any feeling or excitement. As he approached the inevitable result to which the facts tended, the woman in a shrill, piercing voice exclaimed, 'How much of the Sharon money do you get for that opinion?' Almost without raising his voice Judge Field said, 'The marshal must preserve order! Those who do not preserve order must be removed.' The woman had been muttering something which I did not distinctly hear; her final words were, 'I suppose the next thing will be your order that I give up the marriage contract!' Judge Field then said, pointing to her, 'The marshal will remove that person from the court room.'

"Two marshals were quickly beside her; one took the right, the other her left arm. There was a flash of steel above the heads of the crowd; and Terry yelled with a vulgar oath that 'no man should lay a hand on his wife!'

"His arm had been grasped with such force that he could not bring it down, the knife-hilt was seized in his clutch, the blade kept extended, until the marshals laid him on the floor, where he continued to struggle and blaspheme until he was disarmed and carried into the adjoining or consultation room, where he was kept until committed to prison.

"I do not think the interruption exceeded ten minutes. Judge Field resumed and completed the reading of his opinion and order. The marshals acted

quickly and effectively, but I do not recall that either said a word. One of them was the man who killed Terry afterwards in the railroad station at Lathrop. The whole scene impressed me as dignified, proper, and discreditable to no one concerned except Terry and his wife."—L. E. Chittenden in Green Bag, Nov., 1893.

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## WILLIAM PIERCE FRYE, MAINE.

(1831. —.)

An eminent advocate. Born at Lewiston, Maine, September 2, 1831. He is the son of a manufacturer. Graduated at Bowdoin College at nineteen. Read law with William Pitt Fessenden, at Portland, being admitted at twenty-two. After practicing a few years in Rockland, he removed to Lewiston, where he now lives. He early attained eminence as an advocate. At thirty-six was elected Attorney General of the State, and was thrice re-elected, and while holding the position some of the most noted causes in the legal history of Maine were tried. He served several terms in the Legislature, and was one of its most prominent members in 1862. In 1866 he held three important offices at the same time—Representative in the Legislature, Mayor of Lewiston, and Attorney General of the State. Elected to Congress, 1872, to which position he was six times re-elected; to the Senate, 1881, and has been elected to succeed himself twice, his term expiring 1895.

Mr. Frye has acquired high reputation as a jury

lawyer, and when in active practice was devoted to his profession. Of fine physique, magnificent voice, logical mind and quick perception, he is not only strong before a jury, but is a master cross-examiner as well, and is famous for his quick grasp of the facts, and the promptness with which he meets unexpected emergencies. He is a man of indomitable industry, intensely practical, an orator of no mean sort, of strong intellectuality, and a close student of English and classic literature. Is of portly mien, massive brow and prominent nose. He has interested himself during his legislative career especially in the distribution of the Geneva Award, in commercial matters, and in the fishery question, and largely aided in adjusting the Samoan complications between the United States and Germany. For a quarter of a century he has taken a foremost part in the discussion of the most important National and international questions. He received the degree of LL.D. from Bates in 1881, and from Bowdoin in 1889.

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Frye Nominating Blaine—In the Chicago Convention, 1880.

"I once saw a storm at sea in the night-time; an old ship battling for its life with the fury of the tempest; darkness everywhere; the winds raging and howling; the huge waves beating on the sides of the ship and making her shiver from stem to stern. The lightning was flashing, the thunders rolling; there was danger everywhere. I saw at the helm a bold, courageous, immovable, commanding man. In the tempest, calm; in the commotion, quiet; in the danger, hopeful. I saw him take that old ship and bring her into her harbor, into still waters, into safety. That man was a hero. [Applause]. I saw the good old 'ship of state,' the State of Maine, within the last year, fighting her way through the same waves, against the same dangers. She was freighted with all that is precious in the principles of our Republic; with the rights of American citizenship, with all that is guaranteed to the American citizen by our Constitution. The eyes of the whole nation were on her, and intense anxiety filled every American heart lest the grand old ship, the State of Maine, might go down beneath the waves forever, carrying her precious freight with her. But there was a man at the helm, calm, deliberate, commanding, sagacious; he made even the foolish man, wise; courageous, he inspired the timid with courage; hopeful, he gave heart to the dismayed, and he brought that good old ship safely into harbor, into safety; and she floats to-day greater,



purser, stronger for her baptism of danger. That man, too, was heroic, and his name was James G. Blaine. [Loud cheers].

"Maine sent us to this magnificent convention with a memory of her own salvation from impending peril fresh upon her. To you representatives of fifty millions of the American people, who have met here to counsel how the Republic can be saved, she says: 'Representatives of the people, take the man, the true man, the staunch man, for your leader, who has just saved me, and he will bring you to safety and certain victory.'"

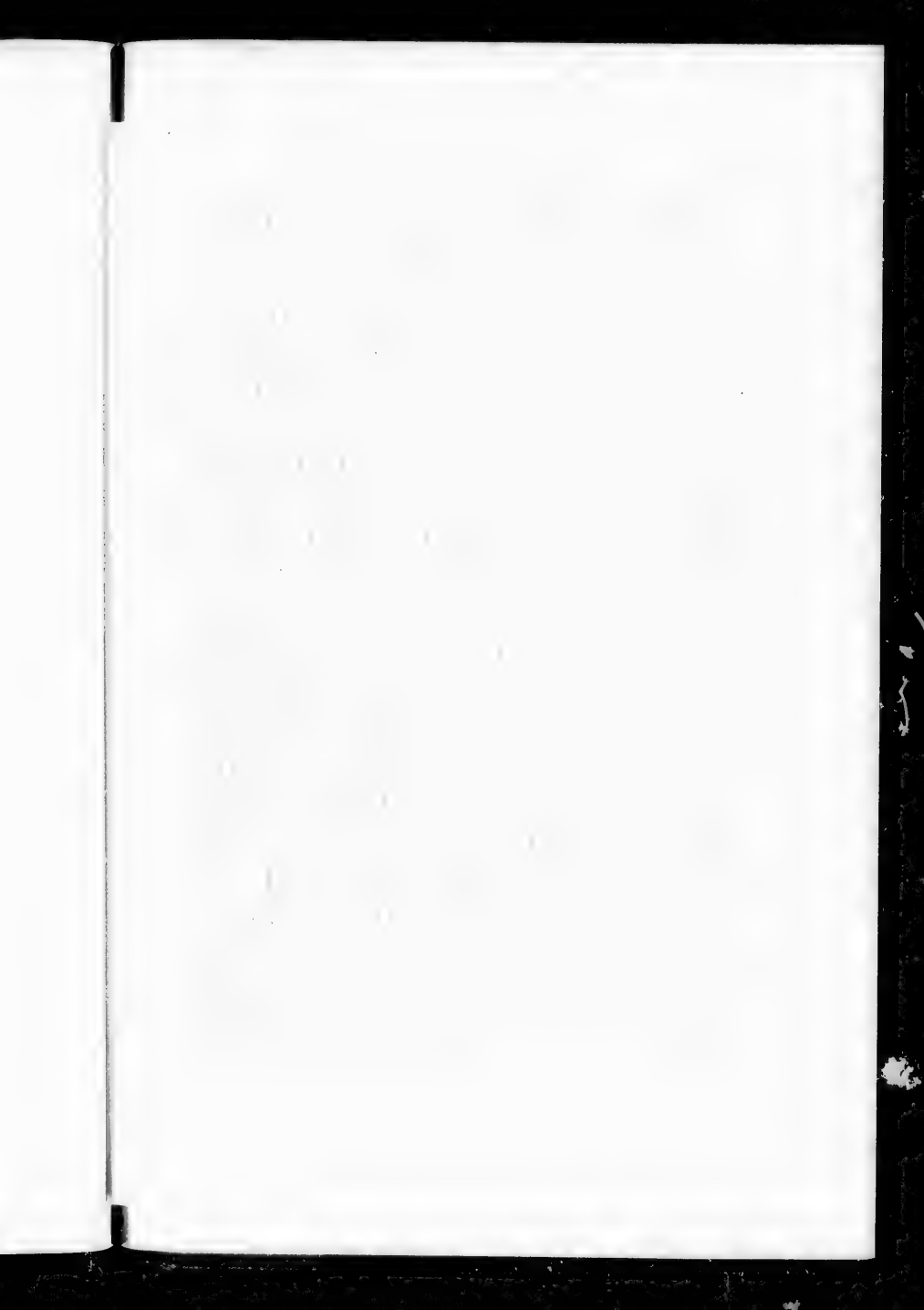
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MELVILLE WESTON FULLER.

From a Photograph by Stryker, New York





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## MELVILLE WESTON FULLER, ILLINOIS.

(1833. —.)

Chief Justice of the United States since 1888, and the eighth to hold that office. Born at Augusta, Maine, February 11, 1833. His grandfather, Nathan Weston, was twenty-one years on the Supreme Bench of Maine. His paternal grandfather was a classmate of Daniel Webster at Dartmouth; and his father, Frederick Augustus Fuller, was a distinguished lawyer. Mr. Fuller graduated at Bowdoin in 1853; studied with his uncle, George Melville Weston, at Bangor, and took a course at Harvard. He formed a partnership with his uncle, Benjamin G. Fuller, at Augusta, and assisted in editing "The Age," a leading Democratic paper. He acted as president of the common council of Augusta, and served as its solicitor. Moved to Chicago in 1856, when twenty-three. He was there engaged uninterruptedly in practice for thirty-three years, gradually rising to the highest rank, and having for years a business of \$30,000 annually. His practice was varied, and in every tribunal, State and National. He received the degree

of LL.D. from Northwestern University in 1884, from Bowdoin in 1888, and from Harvard in 1891. He was appointed Chief Justice of the United States by President Cleveland, April 30, 1888, to succeed Chief Justice Waite. The Chief Justiceship was the fourth office tendered him by Mr. Cleveland. His first case before the United States Supreme Court was in 1871, *Dows v. Chicago* (11 Wall., 108). His first case argued there, in person, was *Traders' Bank v. Campbell* (14 Wall., 87). Some of his great cases while in practice were: *Tappan v. Merchants' National Bank, of Chicago* (19 Wall., 490); *Railway Companies v. Keokuk Bridge Company* (131 U. S., 371); the Cheney heresy case, in which Mr. Fuller spoke for three days; and the great "Lake Front" case. His decisions (128-154 U. S.), number 327, with seventeen dissents.

He is a ripe scholar in the classics, familiar with three modern languages, diligent in research, fluent in speech, and ready with the pen. Though physically a small man he has a striking appearance.

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## A Great Judge.

"A great judge bends to the oar, seeking to explore new lines of coast along the well-nigh illimitable ocean of the law."—Remarks on death of Associate Justice Miller.

## His Answer When a Boy to the Argument Favoring Capital Punishment.

"His logical faculty and aptness at disputation were early displayed. At Oldtown, Maine, when he was a boy, he thus replied to Deacon Rigby's argument in favor of capital punishment: 'Supposing we take the law which the gentleman has quoted, and which in a philosophic sense has been abrogated as null and void since the birth of our Savior, and see what the logical deduction would come to. He quotes the Mosaic Law, 'Whoso sheddeth man's blood, by man his blood shall be shed.' For example, one man kills another; another man kills him? He dare not suicide, for that same law forbids it. Now, deacon, what are you going to do with that last man?'"—Up-River News.

## Cheney Case.

"Mr. Fuller made a three days' speech in the famous Cheney heresy case."—Matthew White, Jr., in *Munsey's Magazine* for April, 1894.



## WILLIAM FULLERTON, NEW YORK.

(1818- ——.)

A cross-examiner equalled by few and excelled by none. Born in Orange county, New York, in 1818. His boyhood was passed upon his father's farm. He graduated at twenty from Union College in the same class with John K. Porter, who afterwards sat on the New York Court of Appeals Bench with him. Supported himself while at college by teaching. Was admitted to practice at twenty-three. Soon became District Attorney of his native county, and was shortly recognized as one of the foremost men at the bar. Removed to New York city in 1852, where he formed a partnership with Charles O'Connor, who decided upon this course after listening to Mr. Fullerton's able argument in an important and intricate case before the State Supreme Court. In 1868, while on a fishing excursion, Governor Fenton appointed him a Justice of the Supreme Court, he thus becoming ex officio a member of the Court of Appeals. He was elected to the same position, served out his term, but declined a renomination.

During his over forty years' practice in the city

of New York, he has been constantly associated with or opposed to the leading lawyers of the State, and is said to have participated in more trials than any other New York lawyer of the past or present. Some of his noted cases are: The Lawrence Will case (said to have been one of the ablest forensic efforts ever made in the city), *Milan v. Graham* (in which he recovered \$74,000 in damages for malicious prosecution, and is believed to be the largest verdict in this country in such a case), *Campbell v. Arbuckle*, for breach of promise (also the largest verdict ever gotten in this country in a similar action), and the *Beecher-Tilton* case, where he proved himself unequalled as a cross-examiner. He has long ranked as one of the foremost *nisi prius* lawyers of the country. His attributes of success are, an unfailing memory, freedom from irritability, securing the confidence of witnesses, uniform good humor, quickness of retort, and great powers of repartee.

#### His Forte Is Cross-Examination.

"William Fullerton's forte is cross-examination. In this art he has long stood unrivaled, and when a witness gets into his hands he is sure to be emptied of all he knows of the case."—A contemporary of the New York bar.

## AUGUSTUS HILL GARLAND, ARKANSAS.

(1832- —.)

One of the brightest and most talented lawyers of the South. Born near Covington, Tennessee, June 11, 1832. His parents moved to the then territory of Arkansas when he was a year old. His father died when he was two, and his mother married Thomas Hubbard. At thirteen he attended St. Mary's and St. Joseph's colleges, Kentucky; read law with his step-father; taught school, in which capacity he was sued for flogging a couple of boys, conducted his own case and won it; admitted to practice at twenty-one, forming a partnership with his father, who being promoted in two years to the bench, a large practice devolved upon young Garland. In 1856 he left Washington, Arkansas, for Little Rock, and formed a partnership with Ebenezer Cummins, one of the State's prominent practitioners, who died at the end of a year, leaving Mr. Garland again with a large business. He represented Arkansas in the Confederate congress, and after the collapse returned to Little Rock to practice—nearly all his worldly possessions having been

destroyed except his law books. He applied to the bar of the Supreme Court to practice, having obtained a pardon from President Johnson. A license was refused. He brought suit against the Constitutionality of the "Test Oath," retaining as counsel Reverdy Johnson and Matt. H. Carpenter. His own argument in this case (*ex parte Garland*, 4 Wall., 333) made him famous. He was elected to the United States Senate in 1867, but was not allowed to take his seat. Subsequently he represented the State in the United States Senate for two terms. Was elected Governor of Arkansas in 1874. Made Attorney General of the United States by President Cleveland in 1887, and held the office for four years. Is also said to have been offered a position upon the Supreme Bench of the United States by Mr. Cleveland, and to have declined. Refused a third election to the Senate. He enjoys an extensive practice in the United States Supreme Court, appearing in eighty-nine cases in the last sixteen reports (138-154 U. S.).

#### Rules of Legal Success to Young Lawyers.

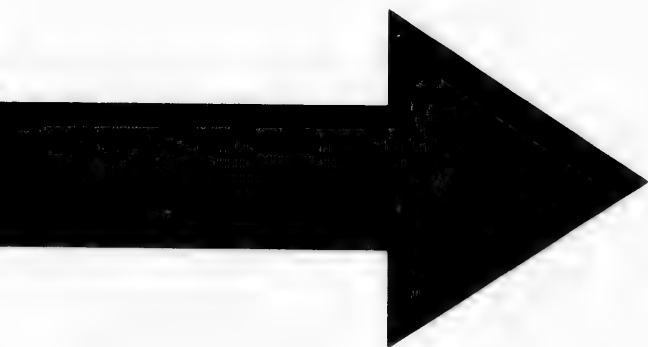
"A young lawyer should continue his professional studies with as much care and unremitting at-

tention as when he was a student proper; making and preserving notes of his readings; attending, when possible, proceedings of an important character in the courts. His reading outside of the law should be mainly in aid of it; adhering to the law for itself, and not as an object secondary or auxiliary to something else; and making his client's cause his own, without reservation, and rendering his first and last duty to him. Punctuality to the moment in all engagements should be observed: it is an essential to any great success in the law. A kind respect and regard should be studiously cultivated toward his brothers in the profession, the officers of the courts before which he seeks to appear, as well as the judges of those courts. An even temper should be preserved in his bearing before the courts, and in no case should he endeavor to argue a question after the court has decided it; and in all instances, short, close and terse arguments should be made, and this done, submit the matter to the court without further talk."

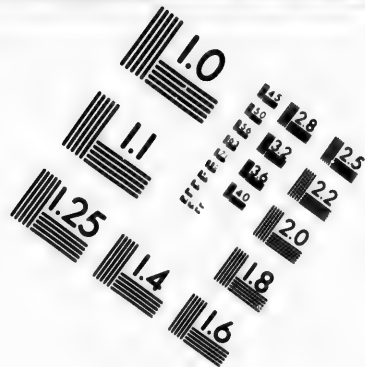
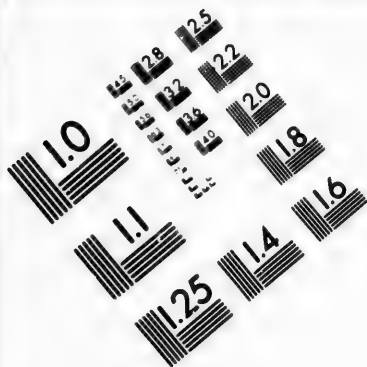
JAMES ZACHARIAH GEORGE, MISSISSIPPI.  
(1826- —.)

United States Senator from Mississippi. Born in Monroe county, Georgia, October 20, 1826. Losing his father in infancy, he moved with his mother when eight to Noxubee county, Mississippi, and two years later to Carroll county, that State, where he was educated in the common schools. Became a private under Jefferson Davis in the Mexican War, serving at Monterey. Returned, read law and was admitted to the Carroll county bar. At twenty-seven he was elected Reporter of the High Court of Errors and Appeals, preparing and publishing ten volumes of reports, and afterwards a complete and accurate digest of all the decisions of that court from 1818 to 1870. He supported and signed the ordinance of secession passed by his State; was captain, colonel, and brigadier general in the Confederacy; chairman of the State Democratic Executive Committee, 1875-6, and wrested that commonwealth from reconstruction bankruptcy; appointed, 1879, Judge of the Supreme Court of Mississippi, which elected him its

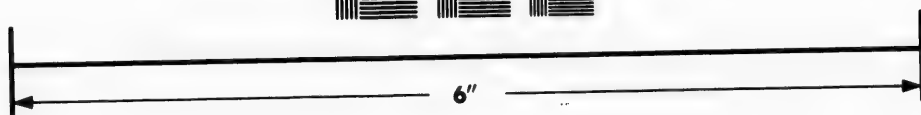
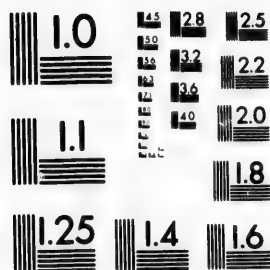








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Chief Justice; resigned two years later, having been elected to the United States Senate, to which body he has since been twice re-elected; member of the constitutional convention, 1890, which formed the present constitution of Mississippi, being known as its "father."

As a lawyer and practitioner he has had few equals and no superior in his State—his success having been phenomenal, as his handsome fortune fully attests. As a Constitutional lawyer and statesman of the highest order, the constitution of Mississippi, largely his handiwork, and his defense thereof in the National Senate, will ever be an enduring monument. As an international lawyer, versed in all the intricacies of the *jus gentium*, his great arguments in the Senate have excited the favorable comment of law writers both in this country and in England. He is one of the best types of the self-made men who have created and been created by this great Republic. He is charitable, a great student, a life-long hard worker, and an elaborate and exhaustive speaker, always thoroughly prepared.

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JOHN BANNISTER GIBSON, PENNSYLVANIA:  
(1780-1853.)

"Stands with the great majority as the one man that, like Saul, is higher from the shoulders and upward than any of his fellows." Born in Cumberland county, Pennsylvania, November 18, 1780. Died May 3, 1853, aged seventy-two. His grandfather was six feet eight inches in height, and his father was a military man and very popular. Young Gibson was a poor country boy. He entered Jefferson College when about seventeen. Studied law at Carlisle, and was admitted at twenty-three. Soon became President Judge of the Eleventh Judicial District. In 1816 he became an Associate Justice of the Supreme Court of Pennsylvania, and in 1827 Chief Justice, which position he held for twenty-six years. He sat upon the bench with twenty-six different associates, and at the time of his death had been longer a judge than any contemporary in the world. His opinions are found in no less than seventy volumes, from 2 Sergeant and Rawle to 7 Harris. He settled the law of riots in Pennsylvania, in *Donahue v. The*

County, 2 Barr., 230. His great decision is that of *Ingersoll v. Sergeant*, 1 Wharton, 336, on the statute *Quia Emptores*, and rent charge and rent service.

He was upwards of six feet high, strong, muscular, and attractive. A born musician, his favorite recreation through life, was the violin. He was a connoisseur in painting and sculpture, a master of English, French, Italian, and classic literature, had a sound knowledge of medicine, which he had carefully studied in youth, an adept at mechanics, a successful dentist, and tuned a piano perfectly. His language was saturated with Shakespeare, epigrammatic, paradoxical, and could never after be paraphrased. Said Jeremiah S. Black: "In some points of character he had not his equal on earth. Such vigor, clearness, and precision of thought were never united with the same felicity of diction." And adds Matt. H. Carpenter: "His opinions thoroughly understood would make any man a profound lawyer."

#### People Like the Grave.

"The people are like the grave—what they get they never give up."

## Negotiable Note—Luggage and Not Baggage.

"A negotiable bill or note is a courier without luggage."—*Overton v. Tyler*, 3 Barr, 346.

(On the margin of a note accompanying this statement was written: "The printer will please print this luggage, and not baggage, according to a barbarous American usage.")

## A Client is Not the Keeper of His Lawyer's Conscience.

"It is a popular but gross mistake to suppose that a lawyer owes no fidelity to any one except his client, and that the latter is the keeper of his professional conscience."—*Life of B. H. Brewster*, p. 48: Said in *Rush v. Cavanaugh*, 2 Barr, 187.

## "A God-damn-us."

A lawyer applied to him for a mandamus to compel a Catholic priest to admit a woman to the Eucharist. The Chief Justice told him to take out a God-damn-us.

## Shooting an Air-gun at Hotel.

At the United States Hotel in Philadelphia some one had an air-gun, and after midnight, when the people were in bed, he and a certain judge used to shoot at a mark, thirty feet range. One night the ancient shooter of black squirrels (Gibson) emerged from his bedroom, took the gun, and beat them both.

"Hot as Hell, Etc."

One night while on the circuit, being fatigued at the tavern, he ordered a cup of black coffee. The diffident youth knocked at his door and asked how he liked his coffee. "Hot as hell, and strong as the wrath of God," replied the Chief Justice.

The Spoons and the Mule.

He used to get on a "spree" occasionally. One evening at his hotel, when "not in a condition to hold court," some one slipped a set of spoons into his pocket. When the Judge came to himself, he could not understand how he came by them. His friends, to get a joke on him, as he was the embodiment of honor, gave him to understand that he had slyly slipped them into his own pocket, and when doing so was seen by the landlord and one of themselves. The Judge was much chagrined, and insisted that his friend, who saw him take them—the perpetrator of the joke, by the way—should convey them to the proprietor of the hotel, with explanations and apologies. But Gibson was kept ignorant of the joke for weeks. A few days after this episode, a prisoner was before him, charged with stealing a mule. The evidence was conclusive, that the culprit was found under a tree with the mule's halter in his hand. The Judge was about to pass sentence, but before doing so, asked the culprit if he had anything to say, the jury having found him guilty, why the sentence of the law should not be pronounced upon him. The prisoner rose and

said that he came out of a drunk and found that mule tied to him; that he had no idea how it happened; that he knew drunkenness was no excuse, etc., but that he never had any guilty intent. The Chief Justice thought a moment and burst out with: "The court sympathizes with the prisoner at the bar. Let him be discharged. I think if those spoons the other day had been a mule, this court would have been in the same predicament."

#### Took in All Details of Case.

"His mental vision took in the whole outline, and all the details of the case, and with a bold and steady hand he painted what he saw."—J. S. Black.

#### J. S. Black's Tribute to.

"Brougham has sketched Lord Stowell justly enough as the greatest judicial writer that England could boast of, for force and beauty of style. He selects a sentence, and calls on the reader to admire the remarkable elegance of its structure. I believe that Judge Gibson never wrote an opinion in his life from which a passage might not be taken stronger, as well as more graceful in its turn of expression, than this which is selected with so much care by a most zealous friend from all of Lord Stowell's."—J. S. Black,



## His Language and Logic.

"His words were always adapted to the subject. He said neither more nor less than just the thing he ought. He had one faculty, of a great poet, that of expressing a thought in language which could never after be paraphrased. When a legal principle passed through his hands he sent it forth clothed in a dress which fitted it so exactly that nobody ever presumed to give it any other. Almost universally the syllabus of his opinion is a sentence from itself; and the most heedless student, in looking over Wharton's Digest, can select the cases in which Gibson delivered the judgment, as readily as he could pick out gold coins among coppers. \* \* \* The movements of his mind were as strong as they were graceful. His periods not only pleased the ear, but sank into the mind. He never wearied the reader, but he always exhausted the subject. An opinion of his was an unbroken chain of logic, from beginning to end. His argumentation was always characterized by great power, and sometimes it rose into irresistible energy, dashing opposition to pieces with force like that of a battering ram."—Extract from Jeremiah S. Black's Eulogy.

## WILLIAM C. GOUDY, ILLINOIS.

(1824-1893.)

One of the ablest lawyers at the Chicago bar, where he practiced with ability from 1859 till his death, a period of thirty-four years. Born in Indiana, May 15, 1824; died in Chicago, April 27, 1893, aged sixty-eight. Was of Scotch-Irish and English stock. Graduated from Illinois College at twenty-one; taught two years; was admitted at twenty-three, and settled at Lewiston, Illinois; State's Attorney from 1852 to 1855; State Senator, 1857-61; removed to Chicago in 1859; was General Counsel for the Chicago and Northwestern Railway company from 1886 till his death, which position was tendered him because victorious for the Milwaukee and Evanston in entering the city. Since 1855 he appears as counsel in each of the first one hundred and fifty Illinois Reports. His most celebrated cases were: The Munn case; the Bowman case, regarding the importation of liquors into Iowa; Kingsbury v. Buckner, involving the ownership of the Ashland block in Chicago, his fee being \$75,000; the Wabash Railway com-

pany v. the State of Illinois, leading to the passage of the Inter-State Commerce Act; *State v. Turner*, a \$3,000,000 forgery case; *State v. Story*, of the Times, for contempt (in which being beaten, he worked till dark, got his bill of exceptions ready, took the train for Waukegan, forty-five miles away, found Judge McAllister, of the Supreme Court, in his barn, and by lantern-light obtained a supersedeas, returned and released his client that night); *State v. Story* for libel; the *Story* will contest, involving \$1,000,000, in which his fee was \$35,000; the Winston railroad case, there being \$3,000,000 at stake; *State of Minnesota v. The Northwestern Railway company*; the Stock Yards litigation; the Board of Trade triumph; and *Whitehouse v. Cheney*, a remarkable ecclesiastical controversy.

“He approached as closely the foremost place in the bar of Illinois as it is possible for any man to attain,” says John N. Jewett. “No lawyer,” adds Levy Mayer, “at the Chicago bar excelled him in power of cold analysis, close logic, clear and cogent methods of arranging facts, and putting into few words the most involved and intricate legal problem.”

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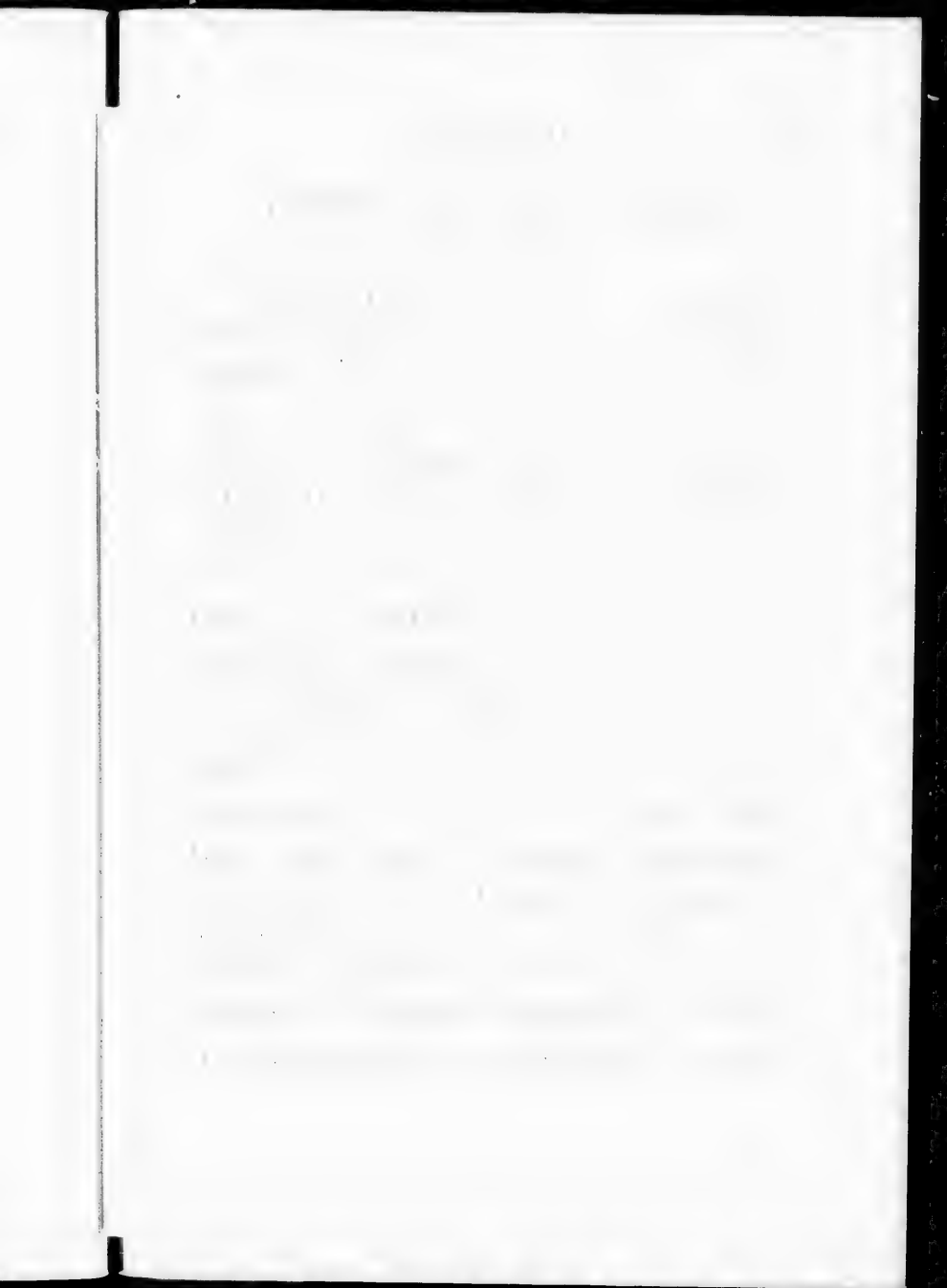
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**HORACE GRAY,**

*Associate Justice of the United States Supreme Court.*

*From a Photograph by Sarony, New York.*





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## HORACE GRAY, MASSACHUSETTS.

(1828- —)

Associate Justice of the United States Supreme Court since 1881. Born in Boston, March 24, 1828; graduated at Harvard in classics at seventeen, and in law at the Harvard law school, after traveling in Europe; read with Judge Lowell, and was admitted in 1851. He was appointed Supreme Court Reporter of Massachusetts in 1854, and held that position for seven years, publishing sixteen volumes. Was appointed by Governor Andrew in 1864, a member of the Massachusetts Supreme Court, in which capacity he served seventeen years, eight as Chief Justice. He was made Associate Justice of the United States Supreme Court, December 20, 1881, by President Arthur, succeeding Mr. Justice Clifford. As a State judge he has delivered many interesting and learned opinions on a great variety of subjects, becoming one of the famous jurists of that ever able tribunal. His accession to the Supreme Court of the Nation was applauded and commended, resembling the promotion of the English lawyer to the highest judicial posi-



tion. As a Federal judge his views have been mainly in support of extraordinary national power: for example, the famous case of *Juillard v. Greenman* (110 U. S. 421), establishing that the United States Treasury notes are a legal tender in time of peace. His decisions (104-154 U. S.) 342 in number, including but twenty-seven dissents, are expressed in dignified, firm and expressive language, and are well sustained by authority. Among his vigorous opinions are the dissents in the *Arlington* case (U. S. v. Lee, 106 U. S., 196), the *Original Package* case (*Leisy v. Hardin*, 135 U. S., 100), and the *United States v. Rodgers* (150 U. S., 249)—that the Great Lakes are not "high seas," and his majority opinion in the "Chinese Exclusion Cases" (150 U. S. 698), in the latter of which Judges Brewer, Field and Fuller dissent. As a judge, he is strict, punctilious and dignified. Is an omniverous reader, has great ability, various knowledge, and large experience. Is six feet five in height, straight, of commanding figure and looks every inch an English jurist.

Not the Law of Massachusetts.

A venerable lawyer, the Nestor of the Boston bar, addressing the court, announced a legal proposition,

and received from Judge Gray, then on the Supreme Bench of Massachusetts, the curt reply: "That is not the law of Massachusetts, sir." The rejoinder, as promptly made, was, "It was the law of Massachusetts until your Honor spoke."

#### Treasury Notes Made a Legal Tender by His Decision.

Mr. Justice Gray delivered the opinion of the United States Supreme Court in *Juillard v. Greenman*, 110 U. S., 421, that "Congress has the Constitutional power to make the treasury notes of the United States a legal tender in payment of private debts in time of peace as well as time of war; and that the impressing upon the treasury notes of the United States the quality of being a legal tender in payment of private debts is an appropriate means, and conducive, and plainly adapted to the execution of the undoubted powers of Congress, consistent with the letter and spirit of the Constitution; and, therefore, within the meaning of that instrument, 'necessary and proper for carrying into execution the powers vested by this Constitution in the Government of the United States.'"

"A decision," says ex-Secretary of the Treasury Hugh McCulloch, "which relieves Congress from what have heretofore been considered well defined restrictions, and clothes a republican government with imperial power."—*Men and Measures of Half a Century*, p. 179.

## WALTER QUINTON GRESHAM, INDIANA.

(1832- —)

The present Secretary of State, and the thirty-first to hold that position. Born on a farm near Lanesville, Indiana, March 17, 1832, of paternal English and maternal Scotch-Irish ancestry. Deprived of his father, who as sheriff, lost his life in attempting to arrest a desperado, when the boy was but a year old, the youth's early opportunities were meager. With but a country school education, and one year in the State University at Bloomington, he entered Judge Porter's office in Corydon to study law, and was admitted at twenty-one. He soon became judge of one of the State Circuit Courts, and soon after a Representative in the Legislature, which position he resigned in 1861 to become Lieutenant Colonel of an Indiana infantry. He was promoted to a Brigadier-Generalship, and wounded at Legget's Hill, which would have cost him a leg had he not resisted the surgeons' proposal. This disabled him for a year, prevented further service, and crippled him for life. In 1865 he formed a partnership at New Albany with

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John H. Butler and his son, Noble C. Butler. In 1869, he was appointed by President Grant United States District Judge; in 1882 called by President Arthur to the Postmaster Generalship; and in 1884 to the Treasuryship of Mr. Arthur, and in the fall of the same year made Judge of the Seventh United States Judicial Circuit, which position he held till called by President Cleveland, 1893, to the State Department. In 1892 he was tendered the nomination for President by the Populist party, but declined. Many famous cases came before him while nearly ten years on the United States Circuit, notably, *United States v. Joseph Mackin*, for violating the election laws, and the "Wabash Case," involving \$130,000,000. He is a fine lawyer and a great chancellor. Points in controversy were stripped of all verbiage, and the most abstruse questions reduced to common sense principles. Intellectual superiority on one or the other side counted for naught, but right was discerned and made to prevail.

## SIR MATTHEW HALE, ENGLAND.

(1609-1676.)

Son of a retired barrister. Born at Alderly, England, November 1, 1609, died December 25, 1676, aged sixty-seven. Losing his parents at five, he entered Magdalene Hall, Oxford, at sixteen, whence he graduated with honor, though, in turn, a lover of the fast set and a serious student of Calvin and Aristotle, a dandy and a sloven, a play-goer and an exhorter. trained for the church, he abandoned her service for that of arms, and this in turn for the law. He won his way by industry, logic and judgment, rather than a ready tongue. Was unfit for jury trials. No man of his time had a more complete mastery of the common law. Of the widest culture, he became proficient in abstract philosophy, pure mathematics and natural science. He aimed to be politically neutral. In his practice, though keen and strong, he became the simple mouth-piece of his client, remaining himself without conviction—being a scholar and legal artist, merely. He offered to plead the cause of the King, if submitted to a court, signed the Solemn League

and Covenant, and took engagement to be faithful to the Commonwealth without King or Lords. Made a Judge of Common Pleas by Cromwell; Chief Baron of the Exchequer by favor of the Merry Monarch, and Lord Chief Justice.

He judicially murdered two women tried for witchcraft, lacking the courage of his successor, Lord Holt, who by one brave, earnest word, ended witchcraft prosecution in England. As a legal scholar, he was without superior during his time, and, by reputation, one of the greatest of any time. As a reformer of methods and procedure, the common law lawyer is greatly indebted to him. Slow and deliberate, yet a model of good temper and patience. No better listener ever gave ear to counsel. In ordinary matters, justice was rarely better, or so well administered; yet he was egotistic and profoundly humble, so much so that he sometimes appeared a demagogue. But English life under the Stuarts and the Commonwealth, ranging from the gayety and frivolity of the cavalier to the solemnity of the Puritan, leaves him not without some excuse.

## General Knowledge Necessary.

"No man can be absolutely a master in any profession, without having some skill in other sciences."  
—Life, by Bishop Burnett, p. 21.

## On Oratory.

"If the judge or jury has a right understanding, oratory signifies nothing but a waste of time, and lots of words; and if they are weak and easily wrought on, it is a more decent way of corrupting them, by bribing their fancies, and biasing their affections."  
—Idem, p. 88.

## Doubts.

It was a maxim with Sir Matthew Hale that doubts should always be placed in the scale of mercy.

## The Bible.

"There is no book like the Bible for excellent learning, wisdom and use."

## Be Slow in Choosing Company.

"There is a certain magic or charm in company, for it will assimilate and make you like to them, by much conversation with them. If they be good company, it is a great means to make you good, or confirm you in goodness; but if they be bad, it is twenty to one that they will infect and corrupt you. Therefore be wary and shy in choosing and entertaining, or frequenting any company or companions; be not

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too hasty in committing yourself to them; stand off awhile till you have inquired of some (that you know by experience to be faithful) what they are; observe what company they keep; be not too easy to gain acquaintance, but stand off, and keep a distance yet awhile, till you have observed and learnt touching them. Men or women that are greedy of acquaintance, or hasty in it, are often-time snared in ill company before they are aware, and entangled so that they cannot easily loose from it after, when they would."

#### Conversation.

• "Let your words be few, especially when your superiors, or strangers are present, lest you betray your own weakness and rob yourself of the opportunity, which you might otherwise have had, to gain knowledge, wisdom and experience hearing those whom you silence by your impertinent talking. \* \* \*  
\* Be careful not to interrupt another when he is speaking; hear him out, and you will understand him the better, and be able to give him the better answer."

#### Opinion.

"Opinion is, when the assent of the understanding is so far gained by evidence of probability that it rather inclines to one persuasion than to another, yet not altogether without a mixture of uncertainty or doubting."



## Duration.

"All the notion we have of duration is partly by the successiveness of its own operations, and partly by those external measures that it finds in motion."

## Knowledge.

"Among the objects of knowledge two especially commend themselves to our contemplation; the knowledge of God, and the knowledge of ourselves."  
—Origin of Mankind.

## Providence.

"There is the same necessity for the Divine influence to keep together the universe in that consistence it hath received as it was first to give it."

## Studies.

"The intellectual husbandry is a goodly field, and it is the worst husbandry in the world to sow with trifles."

## Law.

"Laws were not made for their own sakes, but for the sake of those who were to be guided by them; and though it is true that they are and ought to be sacred, yet if they be or are become unuseful for their end, they must either be amended, if it may be, or new laws be substituted, and the old repealed, so it be done regularly, deliberately, and so far forth only as the exigence or convenience justly demands it;

and in this respect the saying is true salus populi suprema lex esto. He that thinks a State can be exactly steered by the same laws in every kind as it was two or three hundred years ago, may as well imagine that the clothes that fitted him when a child should serve him when he was grown a man. The matter changeth, the custom, the contracts, the commerce, the dispositions, educations, and tempers of man and societies, change in a long tract of time, and so must their laws in some measure be changed, or they will not be useful for their state and condition; and, besides all this, time is the wisest thing under Heaven. These very laws which at first seemed the wisest constitution under Heaven, have some flaws and defects discovered in them by time. Manufactures, mercantile arts, architecture, and building, and philosophy itself, secure new advantages and discoveries by time and experience, so much more do laws which concern the manners and customs of men."—Hargrave's Law Tracts.

## JOHN SMYTHE HALL, QUEBEC.

(1853- —)

The Honorable John Smythe Hall is an Honorable Queen's Counsel, a member of the Provincial Parliament, and senior member of the leading Montreal law firm of Hall, Cross, Brown and Sharp. He was born in Montreal, Quebec, August 7, 1853, and is therefore but forty-one years of age, and it might be mentioned, is also the youngest man in the group of engravings of one hundred and forty-four "Eminent American, English and Canadian Lawyers." He is the son of John S. Hall, a member of the late firm of Grant, Hall and Company, at one time extensively engaged in the lumber and sawmill business. John Smythe Hall, Jr., was educated at Bishop's College School in Lennoxville, and at McGill University, where he graduated Bachelor of Arts in 1874, and Bachelor of Civil Law in 1875. He was married January 3, in the year 1883, to Miss Brigham, of Ottawa, Ontario. He was called to the bar in the Province of Quebec in January, 1876, and was appointed Queen's Counsel in 1887. He was President of the

University Literary Society in 1880, and of the McGill Graduate Society in 1884. He was elected a member of the corporation of McGill University in 1883 and re-elected to the same position in 1886. He has been president of the Junior Conservative Club of Montreal. He was first returned to the Legislative Assembly for Montreal, West, at the general elections in 1886; was re-elected by acclamation in 1891, and again re-elected in 1892. He was appointed Provincial Treasurer under the De Boucherville government in December, 1892, which position he still occupies under the Taillon government. He is a Conservative in politics, and resides in Montreal. He ranks as one of the most distinguished lawyers of the Province of Quebec, and is a ready impromptu speaker and in great demand on after-dinner occasions.

## SIR JAMES HANNEN, ENGLAND.

(1821-1894.)

One of the most learned and able of England's judges. He was born at Kingswood, England, in 1821, died in London, March 28, 1894, aged seventy-three. He was the eldest son of James Hannen, a merchant. Was educated at St. Paul's School and the University of Heidelberg, and became a student at the Middle Temple, and was called to the bar in 1848. He was appointed in 1853 agent for Great Britain in the Mixed Commission constituted to settle the Canadian fisheries disputes between England and America. He was made a Puisne Judge of the Queen's Bench in 1868, succeeding Mr. Justice Shee, and a Judge Ordinary of the Court of Probate, in succession to Lord Penzance, in 1872, and in 1875 President of the Probate, Divorce and Admiralty Division of the High Court of Justice, and in 1891 Lord of Appeal in Ordinary, which position he resigned in 1893.

While in practice his main business was heavy arbitration, solid mercantile questions and very complicated and important cases. Was successful in the

great Shrewsbury case in the House of Lords; was engaged in the Matlock will case, and was for some time engaged for the Treasury. His leading judgments are *Niboyet v. Niboyet*; the Frederick legitimacy trial; *Durham v. Durham*; *Sugden v. St. Leonards* (sustaining the will of the great ex-Chancellor by secondary evidence); *Gladstone v. Gladstone*, and *Crawford v. Dilke*. He settled the law of lunacy—that “capacity” like responsibility, is once more a question of fact. He was president of the Parnell Commission, and kept the work of the commission within the statutes, and made Webster, Russell and James alike feel the pressure of his guiding hand. He will be chiefly remembered as one of the arbitrators on behalf of England in the recent Behring Sea case at Paris. He possessed a clean character—never even indulging in an amusing or doubtful anecdote; and had in a remarkable degree union and harmony in the three indispensable judicial qualities—patience, dignity and knowledge.

THE EARL OF HARDWICKE (PHILIP  
YORKE), ENGLAND.

(1690-1764.)

The main framer and founder of the present system of English equity jurisprudence. Lord High Chancellor. Born at Dover, December 1, 1690; died March 6, 1764, aged seventy-three. Son of a solicitor and clerk of Dover, whom Mansfield terms "a peasant." At sixteen was articled to a London solicitor, through favor of Lord Macclesfield, and at eighteen entered the Middle Temple; called to bar at twenty-five. The friendship and partiality of Macclesfield, as Chief Justice and Chancellor, accounts for Yorke's rapid progress. At twenty-nine, member of House of Commons; at thirty, Solicitor General, and knighted, during which office he prosecuted in the *Lay's Conspiracy*; Attorney General at thirty-four. In 1725, Macclesfield was impeached and convicted for corruption in office, Yorke - unlike his great predecessor, Bacon, refusing to prosecute his patron. In 1733, the Chancellorship and Chief Justiceship fell vacant, Talbot, the Solicitor General, becoming Chancellor, and Yorke, Chief Justice and Baron Hard-

wicke, explicable only on the theory that Yorke preferred emolument to office. In 1737 he was made Chancellor, having stipulated for increase of salary; 1746, as Lord High Steward, he presided at the trials of the rebel Lords. He left behind him in 1754, the greatest reputation as an equity judge. The rules which he formulated contributed powerfully to the just and speedy dispatch of business. The style of his judgments, lucid, without antithesis, has been deservedly praised. During twenty years as Chancellor only three of his judgments were appealed from, and they were affirmed by the House of Lords. His greatness, however, was principally confined to the woolsack, where he displayed judicial originality and creative ability. He made no great figure in the House of Commons or at the council board. Though stainless, just and great, and pronounced by Mansfield a wonderful character who became Chief Justice of England, and Chancellor, from his own abilities and virtues, he does not seem either to have been a great genius or a great soul.



## Ancient Languages.

"Without a competent skill in the ancient languages, you will want the inexpressible pleasure and advantage, that can only be drawn from those immortal patterns of nervous, beautiful writing, and virtuous action, which Greece and Rome have left us."—1 Life of Lord Hardwicke, p. 392.

## Traveling.

"One fundamental error, is traveling too early. The mind of a young man wants to be fitted and prepared for this kind of cultivation; and until it is properly opened by study and learning, he will want light to see and observe, as well as knowledge to apply the facts and occurrences met with in foreign countries."—Idem, p. 394.

## Ancestors and Posterity.

"The merit of ancestors in a former age, can never atone for the degeneracy of their posterity in the present."—Idem, p. 396.

## Liberty of the Press.

"If the liberty of the press consists in defamation, it were much better we were without such liberty. The words 'the liberty of the press,' are improperly used to express a right, which is peculiar to the press, & publishing to the world any defamatory matter to the prejudice of superior, inferior, or equal. Before the discovery of printing, very strong statutes

were still in force, and none of them has since been repealed. Hence from the expression, the liberty of the press, it can never be understood any liberty which the press acquired, and which was unknown before the discovery of printing."—Idem, p. 430-1.

#### Innovation.

"The wantonness of innovation is a dangerous disease of the mind; in a private station it prompts men to be always discontented with what they find, and to lose the enjoyment of good in search of something better."—Idem, p. 490.

#### Wisdom.

"No man is wise, but as you take into consideration the weakness of another.—A maxim more eminently true of political wisdom, which consists very often only in discovering designs which never could be known but by the folly or treachery of those to whom they are intrusted."—Idem, p. 503.

#### Cromwell.

"There is no man of whose penetration higher ideas have been justly formed, or who gave more frequent proof of an uncommon penetration into futurity, than Cromwell."—Idem, p. 503, from a speech in defense of Walpole.

#### Henry Fox's "Old Spider of the Law."

"Henry Fox, in a hot attack on Lord Chancellor Hardwicke, who was supposed to have no desire to reform the many abuses of his office, exclaimed:

"Touch but a cobweb in Westminster Hall, and the old spider of the law is out upon you, with all his vermin at his heels."—E. P. Whipple in "Literature and Life," p. 241.

#### Lord Eldon's Opinion Of.

"Lord Hardwicke was one of the greatest lawyers who ever sat in Westminster Hall. He was a great man both as a common lawyer and a judge in equity."—2 Twiss' Life of Eldon, p. 414.

#### Mansfield's Opinion.

"If you wish to employ your abilities in writing the life of a truly great and wonderful man in our profession, take the life of Lord Hardwicke for your object; he was, indeed, a wonderful character—he became Chief Justice of England, and Chancellor, from his own abilities and virtues."—Lord Mansfield.

#### Lord Campbell's Opinion.

"Hardwicke is universally and deservedly considered the most consummate judge who ever sat in the Court of Chancery."—Lord Campbell.

#### Law Magazine.

"It would be difficult to find in any age or nation, as the production of a single man, a more various or comprehensive body of legal wisdom than is contained in the reports of Atkyns and Vesey" (Hardwicke's decisions).—Law Magazine, 3 Life of Hardwicke, p. 88.

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## ERRATA.

### VOL. I.

Page 43, line 21, for "changes" read "dangers".

Page 110, line 11, for "I" read "It".

Page 150, line 13, for "E. C. Whipple" read "E. P. Whipple".

Page 172, line 5, substitute comma for period at end of line.

Page 180, line 7, for "Johnson" read "Jonson".

Page 236, line 2, for "his" read "this".

Page 343, lines 18 and 19, for "Eucharist" read "Eucharist".

Page 345, line 11, begin "train" with capital letter.

